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CALHOUN'S IDEA OF "CONCURRENT MAJORITY" AND THE CONSTITUTIONAL THEORY OF HEGEL

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It is a well-known fact that the writings of John C. Calhoun were read and admired by German political theorists in the latter part of the nineteenth century.[1] When the problems of federalism became predominant in the German Empire, it was found natural to turn to American experience and to study the works of the leaders of contending factions in the United States before the Civil War.

There may, however, be another reason why Calhoun, in particular, proved such a valuable source for the German authors. His theory of the concurrent majority, in many parts, presents a striking resemblance to the arguments advanced on the continent of Europe in defense of legislatures built on representation, not of individuals, but of groups, interests, or estates. It can be assumed that Calhoun, when speaking of the safeguards necessary against the despotism of the numerical majority, was thinking primarily of the federal system and states' rights. On the other hand, he can hardly have regarded this arrangement as the only possible solution to his problem. He defines the government of the concurrent majority as one "where the organism is perfect, excludes the possibility of oppression, by giving to each interest, or portion, or order,—where there are established classes,—the means of protecting itself, by its negative, against all measures calculated to advance the peculiar interests of others at its expense."[2] Especially in view of the expression "where there are established classes," it seems safe to say that Calhoun probably knew of the existence of representation by estates of the realm in European countries, and regarded such systems with favor. His idea of concurrent

[1] Merriam, *History of the Theory of Sovereignty Since Rousseau* (New York, 1900), pp. 202 ff.

[2] Calhoun, *A Disquisition on Government*, in *Works*, I (Columbia, 1851), p. 38.

majority is, in itself, sufficiently abstract to be applied to any constitution where the people is represented not (only) as a whole, but (also) on the basis of interests, corporate or not, local or social.

His fundamental assumptions give the natural explanation of this fact. Calhoun is the chief American representative of that world-wide school of thought which challenged the ideas of natural rights and popular sovereignty, and the various nuances of which are to be found in the writings of Burke in England, Bonald, De Maistre, and Chateaubriand in France, von Haller, Adam Müller, Johannes von Müller, Schelling, Hegel, and many others in Germany. His conception of "the people" was very much akin to that of Burke. He definitely repudiated the idea that all men are born free and equal—for obvious reasons, as this idea was the strongest argument against slavery. He regarded party strife as an evil, thus conforming to the ideas not only of George Washington, but also of English eighteenth-century theorists, notably Bolingbroke. And, with Plato and Aristotle, he emphasized the social nature of man and was as strongly opposed to the idea of a pre-social state of nature as Burke or any other representative of the historical school in England or Germany.[3]

Indeed, most or all of the reasons advanced by Calhoun in favor of government by concurrent majority could be used with equal right in defense of a legislature built on the representation of interests or estates. The question is: Were they so used? There is, of course, no possibility of influence by Calhoun on the European discussion of this problem—a discussion which was well under way already in the 1820's. Nor has any evidence as yet been produced to make it probable that Calhoun was at all familiar with the writings of German authors in this field.[4] But even if it be a case not of influences, but of independent development of similar ideas, the parallel is worth observing.

[3] Cf. Jenkins, *Pro-Slavery Thought in the Old South* (Chapel Hill, 1935), pp. 126, 135, 137 note 85, 290 note 9.

[4] While there is no direct evidence of German influence on Calhoun, it is equally impossible to prove, definitely, that no such influence existed. Calhoun's correspondence gives some interesting data. In 1844, F. von Raumer, a German historian who at the time was preparing a work on the United States, was introduced to Calhoun in a letter from the Prussian diplomatist F. L. Roenne, and presumably visited him. In another letter, Roenne speaks of Calhoun's "interest . . . in . . . affairs of my country." There was, also, a certain amount of intercourse between Calhoun and Fr. Lieber. *Calhoun's Correspondence*, ed. by J. Franklin Jameson, *Annual Report of Amer. Hist. Assoc.*, 1899, Vol. 2, (Washington, 1900), pp. 931 ff., 964, 1155 ff.

In the beginning of his *Disquisition*, Calhoun distinguishes between "society" and "government," both of which are, he contends, the outcome of original divine creation, although the object of society is "primary" and that of government "secondary and subordinate."[5] It is true that the superficial resemblance which this conception bears to the Hegelian idea of "civic community" (*Bürgerliche Gesellschaft*) and "state" is at least chiefly of a terminological character. But when Calhoun goes on to assert that "as the end for which society is ordained would be defeated without government, so that for which government is ordained would, in a great measure, be defeated without constitution," the resemblance becomes more than superficial. Hegel says of the constitution (*politische Verfassung*): "It proceeds eternally out of the state, just as the state itself is self-contained by means of the constitution. If these two things fall apart, and make the different aspects [i.e., of state activities] independent, the unity produced by the constitution is no longer established." (*Sie geht ewig aus dem Staate hervor, wie er sich durch sie erhält; fallen beide auseinander, machen sich die unterschiedenen Seiten frei, so ist die Einheit nicht mehr gesetzt, die sie hervorbringt.*)[6] The differences in language and in the reasons advanced for the idea are undeniable, but no greater than was inevitable between the writings of a Southern statesman, bred in the English political tradition, and those of a German philosopher.

The reason presented by Calhoun for government by concurrent rather than by numerical majority is that the numerical majority of the people is not the people itself, and that the minority may be "just as much the governed or subject portion as are the people in an aristocracy, or the subjects in a monarchy."[7] This is an idea which, while it may not be expressly put forward in Hegel's *Philosophie des Rechts*, lies at the bottom of the whole body of theory in the European political conservatism of the nineteenth century. As a reason for the old system of representation by interests, it was advanced in the discussions over the Prussian constitution in 1849—that is, about the time when Calhoun finished his *Disquisition*. Its most important protagonist in Germany at that time was the politician and philosopher F. J. Stahl.[8]

[5] Calhoun, *Disquisition*, pp. 5 ff.

[6] Dyde, *Hegel's Philosophy of Right* (London, 1896), p. 257; Hegel, *Grundlinien der Philosophie des Rechts*, ed. Gans, *Werke*, VIII (Berlin, 1833), pp. 331 ff.

[7] Calhoun, *Disquisition*, p. 23.

[8] Stahl, *Parlamentarische Reden* (Berlin, 1862), pp. 75 ff.

The idea itself, however, had not been foreign to some of the natural rights philosophers. In fact, it had been one of the principal arguments for the division of powers. Calhoun, on the other hand, regarded this device as insufficient for the purpose. As all divisions of the government would be under more or less close control by the numerical majority, the rights of the minority would still lack the necessary safeguard, and to avoid oppression it would be necessary to make the various departments "the organs of the distinct interests or portions of the community," while retaining their mutual power of veto—that is, exactly what Calhoun had been advocating: government by concurrent instead of numerical majority.[9]

Hegel, writing from the standpoint of a monarchical and not a republican form of government, comes to different conclusions. But he has an equal contempt for the prevailing theory, while admitting the necessity of a division of powers according to the nature of things. The idea of this division contains, he says, the important element of difference, "of real rationality" (*der realen Vernünftigkeit*), but the different powers cannot be absolutely independent of each other, and should not be conceived of as opposing forces. On the contrary, their coöperation is necessary for the realization of the true idea of government.[10] This coöperation between different forces and interests, which Calhoun regarded as the fundamental principle of government by concurrent majority, was the common object of him and his contemporaries in the European historical school, and it might even be argued that while the constitutional ideals of Calhoun and Hegel differed widely, their differences were with regard to the means, not to the ends.

It is on another point, however, that the comparison becomes particularly fruitful. Burke's "organic" conception of the state was invariably accepted by those who opposed the natural rights theory, and, indeed, by some of its late advocates. But Burke himself never developed this idea as a theory of representation. This was done by his followers on the European continent, as well as by Calhoun. Thus Hegel: "The concrete state is the whole, articulated into its particular circles, and the member of the state is the member of a circle or class. Only his objective character can be recognized in the state . . . To regard the deputies as representatives has a significance that is organic and real only if they are

[9] Calhoun, *Disquisition*, p. 23. [10] Dyde, pp. 275 ff.; Hegel, pp. 352 ff.

not representatives of mere separate individuals or of a mere multitude, but of one of the essential spheres of the community and of its larger interests." (*Der konkrete Staat ist das in seine besonderen Kreise gegliederte Ganze; das Mitglied des Staates ist ein Mitglied eines solchen Standes; nur in dieser seiner objektiven Bestimmung kann es im Staate in Betracht kommen . . . Wenn die Abgeordneten als Repräsentanten betrachtet werden, so hat dies einen organisch vernünftigen Sinn nur dann, dass sie nicht Repräsentanten als von Einzelnen von einer Menge seyen, sondern Repräsentanten einer der wesentlichen Sphären der Gesellschaft, Repräsentanten ihrer grossen Interessen.*)[11] This, however, is a theory of representation quite foreign to Burke, who insisted on regarding the members of Parliament as representatives, not of their constituencies, but of the people as a whole, and even of the people regarded as a unity of the different generations: dead, living, and unborn. The two seemingly conflicting ideas were combined by F. J. Stahl, who held that the estates should represent the people in the sense "that they present its true character, the idea of the existence of the people" (*dass sie sein wahres Wesen, die Idee der Volksexistenz lebendig darstellen*)—and for that very reason ought to reproduce the diversity of interests found in the people itself.[12] It is by no means completely evident, however, whether Stahl viewed this as a reproduction only, or retained the Hegelian idea of representation of the interests as interests, with conflicting aims that were to be coördinated in the state.

In any case, it is interesting to notice the close resemblance between Hegel and Stahl, on one hand, and Calhoun, on the other, with regard to this point. Calhoun, of course, accepted the right of suffrage as a means of taking the sense of the community. But this should be done "by the proper organism," with due regard to "interests as well as numbers," not by considering the whole community "as a unit, having but one interest throughout." This is "the concurrent, the constitutional majority. I call it the constitutional majority, because it is an essential element in every constitutional government, be its form what it may." And again: "The numerical majority, perhaps, should usually be one of the elements of a constitutional democracy, but to make it the sole element . . . is one of the greatest and most fatal of political

[11] Dyde, pp. 317, 320; Hegel, pp. 401, 405.

[12] Stahl, *Philosophie des Rechts*, II: 2 (Tübingen and Leipzig, 1878), pp. 320 ff.

errors."[13] Evidently, Calhoun was by no means convinced that the numerical majority must necessarily be even *one* of the elements to be represented in the government. Also, if we may rely on the anonymous record of a conversation with Calhoun in December, 1831, he had already carried his doctrine to a point where it definitely clashed with Burke's ideas. For he spoke of "responsibility to the constituents . . . carried out to the responsibility of classes"[14]—which responsibility Burke once had told the electors of Bristol he would *not* submit to. And Calhoun's argument that a representation by interests is necessary in order to give each interest "the means of protecting itself, by its negative, against all measures calculated to advance the peculiar interests of others at its expense" has, also, its counterpart in Hegel: "An organism is of such a nature that when all parts do not constitute an identity, if one of them makes itself independent, all must be destroyed." (*Es ist die Natur des Organismus, dass wenn nicht alle Theile zur Identität übergehen, wenn sich einer als selbständig setzt, alle zu Grunde gehen müssen.*)[15]

It should be emphasized again that these similarities between the theories of Calhoun and those of his German contemporaries are not sufficient to warrant, in themselves, any assumption of influence by one on the other. But if no such influence can be proved—if it is, on the whole, even unlikely that it existed—the similarities are none the less very significant. They prove, in the first place, that Calhoun belonged, in most respects, to the same school of thought as the conservatives on the European continent. But they prove, also, that the basic idea of the state as an organism, which both he and they received from Burke, was developed, on both sides of the Atlantic, under widely different circumstances, in the same direction, notwithstanding the fact that this development was in definite opposition to Burke's own theory of representation. When, several decades later, the German thinkers came to use the argument of Calhoun for purposes similar to his own, they were thus able to recognize in his reasoning a line of thought with which they had long been familiar.

[13] Calhoun, *Disquisition*, pp. 28, 45; Jenkins, p. 59. Cf. Stahl, *Reden*, pp. 75 ff.

[14] Calhoun, *Correspondence*, p. 305.

[15] Calhoun, *Disquisition*, p. 38; Hegel, p. 331. The translation from the German is my own. On this point, Dyde's translation is obviously inaccurate, to say the least: "Although the parts of an organism do not constitute an identity, yet it is of such a nature that, if one of its parts makes itself independent, all must be harmed." *Op. cit.*, p. 257.

GEOGRAPHIC OBJECTIVES IN FOREIGN POLICY, II

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III. RIVER VALLEY EXPANSION

In the first part of this study it was suggested that it is possible to distinguish certain forms or patterns of expansion which recur constantly. We have noted that rivers served as effective boundaries only during a very early stage of economic and technical development and soon became routes of communication instead of barriers. We have noted, too, that expansion tends to follow the line of least resistance. It is not surprising, then, to find, almost as soon as states secure access to a river, a strong tendency to expand up and down the river valley. Movement downstream is the natural flow to the sea, and movement upstream is necessary for purposes of defense, since whoever controls the upper valley has a distinct strategic advantage. Control of the upper valley is necessary also in order to control and regulate the water supply. The next step is to push the frontier to the watershed on the other side of the river, since there, if anywhere, is to be found the first natural geographic and economic limit to expansion. With this movement up and down stream and across the stream to the watershed, we have the evolution of the river valley as an economic unit. The unifying influence of the river is responsible for the fact that practically all early civilizations grew up in river basins—Mesopotamia on the Tigris and Euphrates, Egypt on the Nile, the Punjab on the Indus, and China along the Hoang-ho.

Upstream expansion often starts from a nucleus at the mouth of a river. This is particularly true of colonial settlements where the approach has been from overseas and a foothold has been secured on the coast and gradually extended inland. So Nigeria moved up the Niger, Senegal and the Congo State up the rivers from which they take their names, and the early American settlements up the Hudson and the St. Lawrence. British occupation of Egypt led to British occupation of the Sudan and to attempts to control as far as possible the source of the Blue Nile. The British sphere of influence in China has extended inland along the Yangtze. In continental Europe, the Rhine is responsible for the fact that Germany extends so far south on the western side, and the Silesian war of Frederick the Great was the inevitable geopolitical conse-

quence of the fact that Prussia received the mouth of the Oder in the Peace of Stockholm in 1720. If the treaty had awarded Hamburg instead of Stettin to Prussia, Frederick would undoubtedly have taken Saxony instead of Silesia, for Silesia would have been of little value without Pomerania. It is interesting to note that between 1871 and 1914 the configuration of the German Empire conformed almost perfectly to the valleys of the Oder and the Rhine and the rivers between those two.[13]

Conversely, states that have formed their nucleus inland have expanded downstream in search of the sea. By the treaty of Saint-Clair-sur-Epte in 911, the Norsemen secured a definite hold on the lower Seine, and Philippe-Auguste promptly made the conquest of Normandy his goal. The possession of Rouen and Le Havre were indispensable to the security and future development of France. "À partir du jour où la Normandie fut réunie à la couronne, l'Ile-de-France était débloquée; d'une province, elle devint 'le Royaume'."[14] Similarly, the Duchy of Moscow emerged from its first retreat and followed rivers to the sea, and Poland, dimly conscious of the truth that Frederick II later expressed, "Quiconque possédera le cours de la Vistule et la ville de Danzig, sera plus maître de cet État [Poland] que le roi qui le gouverne,"[15] pushed down the Vistula to the Baltic. In the New World, the United States followed the Mississippi to New Orleans.

Since this expansion pattern of up and down and across stream, which Brunhes terms "un des principes de la géographie politique, celui de l'occupation totale du cours d'un fleuve par le plus fort des États qui en posséde une partie,"[16] occurs wherever there are rivers and expanding states, conflicts will be inevitable. Forces pressing upstream will encounter forces moving downstream and forces approaching from either side to cross the stream. The Babylonians on their way up the Tigris and Euphrates valleys in the third millennium B. C. had to push back the Elamites on the east and the Semites on the west, and a few centuries later were themselves defeated by the Assyrians, who were pushing downstream to the Persian Gulf, followed by all the successive invaders

[13] Cf. Richard Hennig, *Geopolitik* (Leipzig, 1931), p. 68.

[14] Jean Brunhes, *Géographie Humaine de la France* (Paris, 1920), I, 234.

[15] Friedrich II, *Testament Politique* (1768); edited by Gustav Berthold Volz (Berlin, 1920), p. 213.

[16] Brunhes, *loc. cit.*

from Asia Minor, including the Turks. In the twentieth century, Germany moved down the same valley with its projected Berlin to Bagdad railroad and encountered the British advancing upstream by river from Basra to Bagdad. At the same time Russia was approaching laterally through Persia and there were rumors of Russo-Persian interests in Mosul.

The history of early Egypt is chiefly that of the struggle between kingdoms in upper and lower Egypt for supremacy over the Nile. As Egypt advanced up the river on which her very life depended, she encountered, and was indeed for a time ruled by, Ethiopia, which was pushing downstream to the sea. On the east, she was attacked by the Hyksos and other invaders from the Sinai peninsula, which, because of the desert borders, is the only point at which a lateral approach to the Nile is possible in Egypt. Less than a century ago, Great Britain began the same advance up the Nile and in 1898 at Fashoda met and checked the French approaching from the west. The recent Italian conquest of Ethiopia may be a threat of another lateral approach from the east. The conflict between Egypt and Great Britain over the Sudan is the modern version of the struggle between the kingdoms of upper and lower Egypt; for Egypt herself contributes no water to the Nile, and whoever controls the Sudan controls the irrigation system and the economic life of the country. An agreement was signed providing for the allocation of the water in such a way as to secure to Egypt an adequate supply, but such an agreement at best left Egypt dependent on the good-will of Great Britain for that which meant life and death to her.

The war in South America which has for the last few years appeared to so much of the world nothing but a senseless quarrel over a few hundred acres of useless jungle was, expressed in terms of expansion patterns, the conflict of Bolivia pushing down the Paraguay and Pilcomayo rivers and Paraguay pushing upstream. It was but a small-scale reproduction of a similar conflict in the interior of the North American continent a few centuries earlier when France and later the United States on their way down the Mississippi met the Spaniards coming up. Desire for access to a river may also have played a rôle in the Leticia dispute, for the territory which the Salomon-Lozano treaty gave to Colombia, and which Peru attempted, although vainly, to repossess, was a long corridor extending from the Putamayo to the Amazon and so to

the sea, giving Colombia access to South America's longest and widest river.

In Europe we find repeatedly the same pattern. Belgium wants the mouth of the Scheldt, of which she holds the upper valley; and a conflict between Germany and the Netherlands over the mouth of the Rhine has been avoided probably only because of the recognized value of the Netherlands as a buffer state. The historic conflict between those who cross the Rhine from the east and those who would cross it from the west has, from the campaigns of Caesar to the campaigns of Foch, made the Rhine valley a battleground to which neither marches nor buffer states, neither demilitarized zones nor cement walls, could bring peace. As long as Germany held the mouth of the Vistula, Poland and Polish Russia were pressing ineffectually but persistently toward the sea, and now that Poland has reached the sea and German territory lies on either side of the valley, there has arisen the somewhat unusual situation of one country approaching a river simultaneously from both sides while a second state controls the actual course of the stream.

The Danube has seen all forms and patterns of expansion in infinite variation from the beginning of European history to the present, and bids fair to witness them again in the future. The Turks pushed north to the Danube valley and invaded Austria during the latter part of the seventeenth century, but were slowly driven back. In 1699, the Hungarian boundary reached the Theiss, and in 1718, by the Peace of Passarowitz, the Hapsburgs crossed the Danube and secured Belgrade and part of western Serbia. In 1812, Russia became a riparian state, and seventeen years later she occupied the mouth of the river, although not controlling its upper course. During the rest of the century, Rumania and Bulgaria, with Russian aid, pushed Turkey back along the path she had come until with the Bulgarian declaration of independence in 1908 she was banished from the river. After the World War, Rumania secured complete control of the Danube mouth and its lower valley; and she dominates the whole navigable course of the Pruth through the acquisition of Bessarabia and Transylvania. Russia, like Turkey, has disappeared from the river. Germany is using her control of the upper section as a starting point for economic penetration through all central Europe to the Black Sea.

In spite of the countless wars that this story of expansion con-

tains, European political units have not been able to resolve the conflicts that have arisen, and continue to arise, along the river valleys of the continent. States moving downstream still find their way blocked by coastal states seeking control of the source of the river of which they possess the mouth. Riparian states still encounter riparian states on the other side of the river with whom they agree that a watershed is a more logical boundary than a river line, but with whom they disagree as to which watershed. These problems they have attempted to solve in two ways: by the construction of canals like that from Dortmund to Ems, which creates a water route wholly within German territory from the industrial heart of Germany to the sea; and by the international regulation of rivers.

This latter solution has been an attempt to avoid some of the more controversial issues by divorcing economic use from political sovereignty. The principle of free navigation of international rivers which was first recognized in Vienna in 1815 has evolved slowly throughout the century to become a definite part of international law. International commissions of riparian states have been established to regulate and supervise river traffic and use of the water, and, in the case of the Danube and of the German rivers between 1920 and 1937, non-riparian states have been represented on the commissions. There is no question that such regulation has lessened the conflicts that once were inevitable when one state controlled the mouth of a river and another its upper course, by meeting the need for economic outlets and for security against diversion of water by riparian states farther upstream. These are not the sole objectives, however, in up- and downstream expansion, nor will their attainment by treaty ever be wholly satisfying, as long as self-help is the recognized instrument of national security; for it is of the essence of treaties that they lose their sanctity when war breaks out. Until political barriers cease to be economic barriers in any sense of the word, the natural unity of a river valley will continue to tempt states to push across the stream to the watershed beyond. The same forces that pushed the Babylonians up the Tigris and Euphrates and then pushed them back again are still at work, and the expansion pattern of up and down and across streams will probably be visible in the objectives of foreign policy as long as states expand and rivers flow to the sea.

IV. ACCESS TO THE SEA

Access to the sea was originally the chief motive underlying downstream expansion, and before the development of the railroad such expansion was the only means of securing effective commercial sea access, since rivers furnished the only transportation from the interior. Under modern conditions, a river is no longer the sole approach to the sea, nor does a river valley determine exclusively the direction of that approach. Access to the sea, however, in the form of the acquisition of an ice-free and commercially valuable port has, especially with the development of a world economy, become one of the universal drives in expansion, for it means access to world trade without dependence on other states for permission to cross their territory and without the possibility of being forced to pay high transit duties or having trade prohibited altogether.

This desire to reach the sea perhaps occurs more nearly universally from both a chronological and geographical point of view than any other basic form of expansion. Labarnasch, the founder of the Hittite kingdom, enlarged his tiny realm until he came to the coast, and Assyria and Babylon struggled for access to the Mediterranean across northern Mesopotamia. Persian attempts to hold the west coast of Asia Minor led to a conflict with Greece, and the Macedonians clashed with the Greeks in Chalcidice, where the Greek colonies barred Macedonia from the sea. The Romans created a corridor leading to the Persian Gulf and another to the Red Sea.

In the Middle Ages, the Treaty of Verdun so divided the empire of Charlemagne that Ludwig, Charles, and Lothar each had access to three seas, and the German empire of the Hohenstaufens stretched from the North Sea and the Baltic to the Mediterranean. Brandenburg early sought an outlet to the Baltic and acquired Pomerania in 1231.

Brandenburg's march to the sea continued. In 1618, the Elector acquired the duchy of Prussia and at the Peace of Westphalia added Lower Pomerania, but failed in his attempt to secure Emden and Greetsiel on the North Sea, which he particularly wanted because of the dues imposed by Denmark on traffic through the Sound. The kingdom of Prussia came into existence in 1701, and in the Peace of Stockholm nineteen years later took from Sweden Stettin and Upper Pomerania as far as the Pene, the conflict

having been caused chiefly by the fact that Prussia held only a harborless and worthless strip of Pomeranian coast while Sweden held the mouth of the Oder. Frederick II added East Frisia (which Prussia was to lose in 1814 but regain in 1866) and West Prussia and Ermeland. His successors acquired Danzig in 1793, the rest of Upper Pomerania and Rügen in 1815, Wilhelmshaven in 1853, Schleswig-Holstein and Hannover in 1866, and Helgoland in 1891.[17]

Poland moved down the Vistula and the Oder, and in the year 1000 held the Pomeranian coast, but was pushed away from the Baltic first by Denmark and then by the lands of the German Order. United with Lithuania, she pressed southward and secured an outlet on the Black Sea between the Dnieper and Dniester, only to be driven back by Turkey. Her union with Lithuania, however, had made her strong enough to retake her Baltic port, and in 1466 West Prussia and Ermeland, with Danzig and Thorn, became Polish. After 1660 she lost her Baltic shore bit by bit—first East Prussia and Livonia, and later West Prussia—and, unable to break through the Prussian-Brandenburg barrier, became an inland state and did not again reach the sea until 1920.[18]

In central and southern Europe, states were struggling for access to the Adriatic. Hungary reached the Adriatic through union with Croatia, but after the separation of Bosnia was forced back by Venice and the Ottoman Empire, although she did not wholly lose her outlet to the Adriatic until after the World War; Austria acquired an Adriatic port by taking Trieste in 1382. In the Middle Ages, Serbia had a port on the Adriatic and under Stephen Duschan secured access to the Aegean, but when she obtained her independence from the Turkish Empire she emerged as an inland state. As soon as Austria secured control of Bosnia-Herzgovina in 1878, she barred every possible Serbian outlet. The route from the former Serbian frontier to Ragusa, along which Serbian cattle were driven, was closed; attempts to export by way of the Hungarian railroads were foiled by an increase of tariffs and by closing the frontier on the pretext of disease control; and taxes imposed by Austria made use of the Danube impossible.[19] Serbia's chief objective in the Balkan wars was a port on the Aegean, which she

[17] Cf. Arthur Dix, *Politische Erdkunde* (Breslau, 1925), p. 21.

[18] Cf. Otto Maull, *Politische Geographie* (Berlin, 1925), pp. 302–303.

[19] Jean Brunhes and Camille Vallaux, *La Géographie de l'Histoire* (Paris, 1921), pp. 13–14.

wanted because of the course of the Vardar and the railroad which follows it; but the treaties of 1913 left her wholly without access to the sea, and Saloniki, which not only Serbia and Bulgaria but also Austria-Hungary wanted, went to Greece, which needed it least. Montenegro had access to the Adriatic, but her ports were useless to Serbia because of the complete lack of connecting land communications in Montenegro. Since the World War, Yugoslavia, the successor of Serbia, has had an Adriatic sea-coast, but has had to yield Fiume and Zara to Italy, retaining only Porto Baros as partial compensation for the loss of Fiume.

Bulgaria's story is similar to that of Serbia. Beginning as a small kingdom on the Black Sea, she extended her territory in the Middle Ages to the Aegean and the Ionian, then became again a small state with only a Black Sea port. The Treaty of San Stefano (1878) gave her a long strip of territory on the Aegean, but the Treaty of Berlin promptly returned this to Turkey. Bulgaria, like Serbia, fought the Balkan Wars largely to reach the sea, and anticipated a new frontier from Midia on the Black Sea to Enos on the Aegean, including the entire lower course of the Maritza within her boundaries, but once more the Concert of Europe intervened. Bulgaria's attempt to play a lone hand failed, and she found herself in 1913 forced to allow the Enos-Midia line to bulge northwestward to include Adrianople and Kirk Kilisse in Turkish territory. Consequently she had no access by rail to her small strip of newly acquired Aegean coast except through Turkish, or indirectly through Greek and Serbian, territory. She lost also the lower part of the Struma valley, and with it the port of Kavala and the town of Seres. The topography of Bulgaria is such that the two valleys of the Struma and the Maritza afford her only feasible outlets, and these were effectively barred by Greece and Turkey respectively. At the end of the World War, Greece took from Bulgaria her last bit of Aegean coast.

Obviously these geopolitical sparks are still smouldering in the Balkans. Bulgaria and Rumania are potentially barred from the sea by Turkish possession of the Straits, and Bulgaria will therefore always attempt to reach the Aegean. There is a latent conflict between Italy's *mare nostro* doctrine with reference to the Adriatic and Yugoslavia's need for ports, and Yugoslavia will always want Saloniki. Hungary, which once had free access to the Adriatic, and so to the Mediterranean, is now an inland state possessing neither

a port nor the lower course of the river on which its capital is located.

The giant Russia, trying patiently and persistently first in one direction and then in another to reach the open ocean, affords perhaps the most striking example in history of a state struggling for access to the sea. In 1703, Peter the Great founded St. Petersburg on the delta of the Neva, and, pronouncing the dictum that was to be Russia's guiding principle for so many years to come, "Ich suche nicht Land, ich suche Wasser," took Karelia, Ingria, Esthonia, and Livonia from Sweden. Under Elisabeth, Russia acquired a strip of Finnish coast, in 1795 took Courland, and in 1808 the rest of Finland, but still could not reach the North Sea or the Atlantic. Within two hundred years, she fought no less than seven wars with Turkey in an attempt to reach the Mediterranean by way of Constantinople; but, when Turkey was not strong enough herself to oppose Russia, England came to her aid. Russian policy in Serbia, which was aimed chiefly at securing an Adriatic port, was blocked by Austria and Germany, and England barred the way to the Persian Gulf. Turning to the East, Russia established Nikolaievsk at the mouth of the Amur in 1851 and Vladivostok in 1860. She finally secured a warm water port by leasing Liaotung and Port Arthur and was reaching for the Korean peninsula when she encountered Japanese opposition, aided by Great Britain; and in 1905 she found herself with neither Korea nor Port Arthur. Near the end of the century she even toyed with the idea of a railroad to Bender Abbas.

"An nicht weniger als sieben grosse Meere und Meeresbecken grenzte um die Jahrhundertewende das Zarenreich an; das Nördliche Eismeer und den StillenOzean, die Ostsee, das Kaspische Meer, das Schwarze, Weisse und Gelbe Meer. Und dennoch war das Streben Russlands, immer weitere Landgebiete zu verschlucken, um neue Küsten in Besitz zu bekommen, geopolitisch so berechtigt, wie selten ein imperialistischer Macht- und Eroberungstrieb. Starrte doch der weitaus grösste Teil der vorhandenen Küste auf die endlose Eiswüste des Arktischen Meeres hinaus, die Kaspische See war ohne jede Verbindung mit den Hochstrassen der Seeschiffahrt, stand auch, ebenso wie der Aralsee und Baikalsee, nicht einmal durch brauchbare Binnenschiffahrtsstrassen mit der Aussenwelt in Verbindung, die russischen Häfen am Schwarzen Meer waren durch den türkischen Bosporus und die Dardanellen vom Weltmeer abgeriegelt, und internationale Verträge . . . wachten darüber, dass zumindest die russischen Kriegsschiffe im Schwarzen Meer eingesperrt blieben, wie ein wildes Tier in seinem Käfig."[20]

[20] Hennig, *op. cit.*, pp. 79–80.

In 1914, at the beginning of the World War, Russia in Europe was completely cut off from the sea after October. She hoped to go across the northern tip of the Scandinavian peninsula to Narvik, but the Scandinavian convention of 1914 forced her to abandon the plan. Her only possible ice-free port was in Kola Bucht on the Murman coast, which is warmed by the Gulf Stream, but the nearest rail-head was two hundred kilometers away, and, by the time a connecting railroad was finally completed two years later, the need for it had almost passed.

At present, Russian access to the Baltic is limited to the port of Leningrad, from which Russia, to reach the Atlantic, must sail down the Gulf of Finland, past the Baltic states, and past the German and British fleets; as she leaves her Black Sea ports, she encounters the British in the eastern Mediterranean; in the Far East, Japan hampers as much as possible any free access to the Pacific.

In which direction or directions Russia will continue her advance to the sea remains to be seen. She has just completed a new double-track railroad to the Pacific which branches northward from the Transsiberian at Taishet, west of Lake Baikal, and runs to Komsomolsk where it divides into three branches, one going north to Nikolaievsk, another due east to a new port to be established, and the third south to Khabarovsk and the Transsiberian. None of these ports, however, is ice-free for the entire year. On the south, the new Straits convention gives her adequate assurance in peace-time of free passage through the Dardanelles, but the British fleet shows no signs of abandoning the eastern Mediterranean. The obvious solution which geographers point out so confidently, that Russia must some day take the Baltic states, is less of a solution than it seems at first glance, since the potential menace of the German and British fleets would in no way be obviated by Russian possession of the Baltic shore. Finland, facing the same problem in 1920, demanded and received under the Treaty of Dorpat access to the Murman coast through a corridor to Petschenga, and it may be that the forgotten Kola Bucht will yet become Russia's best outlet.

The same story of states pushing toward the sea runs through the history of Africa and the New World The French advanced southward across western Africa until they reached the Atlantic, and would have penetrated eastward to the Indian Ocean had not

the British barred the way at Fashoda. The Boer Republic tried repeatedly to secure a port, but Great Britain influenced Portugal neither to lease, sell, nor in any other way to transfer Delagoa Bay.

With the entire Atlantic seaboard at its disposal, the United States was already, early in the nineteenth century, turning its eyes toward the Pacific. In 1822, Floyd of Virginia advocated the occupation of Oregon chiefly to secure the mouth of the Columbia as a harbor for American whaling vessels, and in Jackson's administration an offer was made to buy the section of California between 37° and 42° north latitude in order to secure San Francisco Bay. Having secured the Pacific coast as far north as the forty-ninth parallel by the settlement of the Oregon boundary dispute and south to below the thirty-third by the treaty of Guadalupe-Hidalgo, the United States negotiated the Gadsden purchase in order to gain possession of the outlet to the Pacific provided by the pass through which the Gila River flows, and through which the Southern Pacific railroad now reaches the coast. The long dispute between the United States and Great Britain over the navigation of the St. Lawrence, during which the United States appealed to the law of nature, to necessity, and to the decisions of the Congress of Vienna, was finally settled by the Treaty of Washington in 1871, in which Great Britain conceded the United States' claim to free navigation of the St. Lawrence in return for similar privileges for British citizens on the Porcupine, Yukon, and Stikine rivers as well as on Lake Michigan.

Access to the sea remains a universal desideratum. The same attempt to divorce economic use from territorial sovereignty that led to international regulation of certain European and African rivers has led to agreements whereby inland states are allowed the free economic use of ports in the territory of other states. So Czechoslovakia could use Hamburg at the mouth of the Elbe of which she owned the upper valley and also Stettin, and Yugoslavia has a free zone in Saloniki. Like the international control of rivers, such arrangements assure a state access to world trade only in time of peace, however, and are therefore but poor substitutes for full ownership of a port.

It must be remembered also that access to water does not necessarily mean access to world trade. As we have seen in the case of Russia, there are seas and seas. While it is true that all sea access, provided the port is ice-free, gives access to the whole world in

time of peace, the situation is not always the same in time of war. In other words, location on an inland or marginal sea which may be controlled by the sea power of another state is not synonymous with location on the open ocean.

V. CIRCUMFERENTIAL AND TRANSMARINE EXPANSION

There is an interesting parallelism between the patterns visible in the expansion of states which gain access to such seas and the patterns found in the expansion of states in river basins. Up- and downstream expansion along the course of a river becomes, in the case of a marginal or inland sea, circumferential expansion along the littoral, and the crossing of a river and the goal of the watershed boundary become an attempt to control the opposite coast of a sea. Expansion to the opposite coast appears only as the sea ceases to be a barrier, and is conditioned by the width of the sea and the degree of technical development in navigation. It may take the form of the control of straits or narrows, or of expansion from mainland to island (Norman invasion of Great Britain), from island to mainland (British attacks on the French coast), or from mainland to mainland (France in northern Africa). The theoretical limit of circumferential land expansion is a closed sea in the sense of the possession of the entire littoral by a single power. The idea of a closed sea in the old sense of an actual territorial claim to the sea itself no longer exists, but a very similar idea persists in the attempts of some states to hold the entire shore of certain stretches of water.

There appears, too, a third expansion pattern in the form of possession of points, either island or continental, dominating established communication routes within inland and marginal seas. If, as occasionally happens, the acquisition of further territory along the littoral becomes indispensable to the protection of such points on the mainland, their area tends to increase and the points approach one another, forming ultimately a continuous land ring; or, if several states are competing for control of the routes within the sea and hold alternate points along the littoral, their area expands inland until various states own alternate strips of territory running back from the shore. In such cases the process of circumferential land expansion is a combination of both land and sea approaches, which tend to become identical as the process continues. Such expansion may precede or follow control of the oppo-

site coast, depending chiefly on the width of the sea and the development of navigation at a given moment.

For the most part, however, the possession of points secured by sea power serves to protect established routes of communication. The distance that may safely be left between the points will depend on navigation technique and the degree of predominance of sea power. Control can be exercised ultimately only by a fleet, and the possession of isolated points is therefore an expression of possibility rather than of actuality. Whether such points will be island or mainland stations will depend on the relative strength, size, and location of the islands in the sea in question.

Precisely as in the case of river basins, these various forms of expansion will give rise to conflicts. States expanding circumferentially from different starting points on the shore will not all be able to reach their objectives, and sea powers attempting to control routes by means of shore and island points will oppose each other and be opposed by land powers along the littoral. States reaching for the opposite coast will come into conflict with states seeking access to the sea from the other side or with states following the shore-line. In one sea after another, and in one historical period after another, the expansion patterns and the resulting conflicts recur.

One of the earliest seas around which civilization developed was the Aegean, and four thousand years of its history exhibit an endless cycle of attempts to control opposite coasts, of circumferential expansion, and of conflicts that these two movements engendered. The island kingdom of Crete crossed to the mainland and probably held the west coast of the Aegean and the coast of Asia Minor in the second millenium B. C. The Greeks moved early to the mainland of Anatolia. The Aeolians settled the northern shore of Asia Minor, the Ionians held the opposite coast from Smyrna to Milas, and the Dorians crossed in a large curve by way of Cythera, Crete, and Rhodes, to Carien.[21] The Persians came in the other direction to attack the coast of Greece, and after the Persian war no Persian army might come within a "Pferdelauf" of the Aegean shore and no Persian ship might sail through the eastern entrance of the Bosporus or westward from Phoenicia and Cyprus past the eastern boundary of Lycia;[22] thus did Greece, aware of the danger from a

[21] Cf. Josef März, *Die Ozeane* (Breslau, 1931), pp. 63–64 and 70–71.

[22] Maull, *op. cit.*, p. 339.

hostile opposite coast, attempt to secure lasting control over the mainland facing her peninsula. The Ptolemies fought with the Macedonians for control of the Greek coast; the Turks crossed to the Greek shore; and in 1919 the Greeks, in perfect imitation of their ancestors of the pre-Christian era, tried to secure the Turkish coast.

Greece has always desired, and still desires, to make the Aegean a closed Grecian sea. About 600 B. C., Athens seized Sigeum, and from that time on continued to multiply Athenian colonies along the Hellespont, Propontis, and Bosporus. Her successive enemies—Sparta, Thebes, and Macedonia—all struggled with her for control of the Bosporus, the Hellespont, and the wheat emporiums of the Thracian coast. In addition to her littoral possessions, she eventually acquired Lemnos, Imbros, and Tenedos, and controlled Euboea and the islands of Sciathos, Peparethos, and Halonnesos, thus dominating the communication system of the entire Aegean.[23]

Economically and culturally, the Aegean was later dominated successively by the Persians, Alexander, the Romans, and the Turks; at the time of the Crusades it was a Byzantine closed sea; and in the sixteenth century, when the Ottoman Empire held all its shores, it became once more a closed sea, remaining closed for over two hundred years. In the nineteenth and twentieth centuries, Turkey, who had secured control of the sea wholly by circumferential land expansion, and had remained consistently a land power, lost bit by bit all of her coastal possessions on the Aegean, and modern Greece, with the same motives as her predecessors, once more expanded gradually around the sea. Twenty-five hundred years have failed to resolve the conflict, for Greek aspirations toward a Greek Aegean still run counter to Turkey's demands for control of the Straits.

East of the Aegean lies another small inland sea, its only entrance guarded by what are perhaps the most famous straits in the world. The Black Sea is so situated that a sea power strong enough to retain control of the Straits can dominate all traffic within it without further territorial conquests. So the Greek city states controlled it for long periods of time, and by the Treaty of Nymphaeum (1261) it became exclusively a Genoese sea and remained so for a century. The Roman Empire held not only the Straits

[23] Cf. Ellen C. Semple, *The Geography of the Mediterranean Region* (New York, 1931), p. 358.

but practically the entire shore line of the Sea; and its successor, the Eastern Empire, held what are today the Rumanian, Bulgarian, and Turkish shores. From 1475 to the Treaty of Karlowitz in 1699, the entire sea was Turkish, with reference both to jurisdiction over the shore and to domination of the waters. As Russia pressed southward, Turkey gradually lost the northern and eastern shores and the semi-independent, and later independent, Balkan states occupied the western shores. Russia, however, despite repeated efforts, has never been able, either by circumferential land expansion or conquest of the Straits, to make the Black Sea Russian.

In the neighboring Adriatic, the same story repeats itself. Both Rome and modern Italy have attempted to secure control of the opposite coast of Dalmatia and what is now Albania. In the fourth century B. C., Syracuse, having extended its sway over Greek Sicily and much of Greek Italy, proposed to make the Adriatic a Syracusan lake and planted colonies on the Apulian coast, secured dependencies among the native settlements in the Calabrian peninsula and on the Illyrian coast, made an alliance with the king of Molossia in Epiros, and so acquired a dominant position at the gates of the Adriatic.[24] Rome, by instinct a land power, and preferring military to naval conquest, took possession of its shores. The Ostrogoths, at the height of their power in the sixth century A. D., held the Italian peninsula, the head of the Adriatic, and the present Yugoslavian shore, but were prevented by the Eastern Empire from completely encircling the sea. Venice, less interested in territorial conquest than in commerce, nevertheless held the head of the sea and a large part of its eastern coast. She succeeded in dominating all trade within the Adriatic and only in 1718 relinquished the right to tax foreign ships entering it.[25]

Modern Italy has chosen to approach her goal of an Italian Adriatic by attempting to make it a closed sea in the strict sense of the word and has taken control of the shores as far as possible, partially by conquest (Trieste, Fiume, the Istrian peninsula, Cherso, Lussin, Zara and Lagosta), and partially by making Albania factually if not legally an economic and political protectorate. Italy's desire to dominate the Adriatic was one reason for her war against Austria in 1915, for the Fiume adventure of d'Annunzio, and for Mussolini's Corfu gesture in 1923. She has now solved her problem as far as possible through the conquest of

[24] Semple, *op. cit.*, p. 76. [25] Hennig, *op. cit.*, p. 311.

Albania, which gave her the use of several good ports as bases for military operations. The Yugoslav coast is fairly long and has good ports, but as long as Italy retains her present control of Albania her *mare nostro* doctrine is not far from realization.

We can perhaps best see the various forms of expansion and conflict around the Mediterranean by considering it first as two units, the eastern and western, divided at the Straits of Sicily across which Rome fought Carthage for control of the opposite coast, and across which modern Italy is still fighting France with diplomatic, if not military, weapons for control of the same opposite coast. Carthage in 550 B. C. converted the Phoenician cities on the Sicilian shore into Carthaginian dependencies. Syracuse tried to dislodge her from Sicily, and in the fourth century B. C. succeeded in taking territory in southern Sicily and the opposite shore of Africa, but did not take Carthage.[26] Carthage was so located that she commanded the main seaway of the Mediterranean and also routes into the interior of Africa, and it was therefore essential for the Carthaginians to hold western Sicily to keep open the seaway, but there was little for them to gain by forcing Syracuse from eastern Sicily. As Rome extended her sway over the Italian peninsula and by the conquest of Sicily took control of the Straits of Messina, she saw the menace of a strong power on the opposite shore of Africa and so set herself the task of conquering Carthage and holding the Straits of Sicily. The Vandals, the Eastern Roman Empire, and the Saracens successively fought for and gained control of these same two shores. In the twelfth century, a Norman king of the Two Sicilies held points on the African coast opposite his Sicilian kingdom, and Charles V seized Tunis in 1531.[27] Modern Italy's first attempt at expansion was directed at Tunis.

Since land power developed before sea power, it is not surprising that the first attempts to dominate the eastern Mediterranean were in terms of contiguous circumferential land expansion by means of military power. In the fifteenth century B. C., Egypt held the coast from Cyrenaica to Phoenicia; eight hundred years later, Assyria controlled it from Egypt to Cilicia with the exception of the Phoenician settlements; Persia stretched from Cyrenaica to the Dardanelles in 500 B. C.; Alexander took the Persian bases one after another, beginning with Asia Minor and proceeding to

[26] Semple, *op. cit.*, pp. 78–79. [27] *Ibid.*, p. 79.

Syria and Phoenicia, until he finally controlled the entire eastern Mediterranean from Cyrenaica to Hellas; and the Ptolomaic kingdom reached in 300 B. C. from Cyrenaica to Phoenicia.

During the supremacy of the Roman Empire, the entire Mediterranean was held as one closed sea, but after the break-up of the Empire the eastern section again became a unit. The Ommiad Empire stretched from Antioch to the Pyrenees; the Fatimites and Saladin and the Ayyubid dynasty that he founded extended their sway from Cyrenaica to Syria; and the Mameluke Empire was of similar extent. The Ottoman Empire equalled that of Alexander, and in the sixteenth century temporarily controlled Tunis, Algeria, and Tlemsen. As in the Adriatic, Venice made no attempt at land expansion, but at the height of her power she dominated a large section of the eastern Mediterranean by possession of an island chain surrounding Greece and Asia Minor.

In the western Mediterranean, France has reached across to Morocco, Algeria, and Tunis; Italy holds Libya, and, as we have noted, casts eager eyes toward Tunis. Another form of expansion to the opposite coast—from mainland to island—can be seen in the Carthaginian conquest of Corsica, Sardinia, and Sicily, the later Roman and Vandal conquest of the same islands,[28] the acquisition of Corsica by France in 1768, and Spanish possession of the Balearic islands.

In contrast to the eastern half of the Mediterranean, the first attempts of states to establish supremacy in the western part of the sea took the form of the conquest of points along the shore and the domination of trade routes within the sea. In the eastern Mediterranean, the large powers lay directly behind the isolated trading centers of the Phoenicians, and the Phoenicians made no attempt to oppose them; but the native population of the western Mediterranean proved easier to conquer, and the sea became economically if not politically a Phoenician unit. Carthage also approached from the sea and made little effort to extend her territory into the hinterland, but held the shore line from Lesser Syrtis to Tangier and also the southern and eastern coast of Spain. After the decline of the Roman Empire, however, the Vandals advanced from the land and for more than a century

[28] The Vandal conquest of Sicily was not complete, but included the western and southwestern shores.

controlled the western Mediterranean shores from Greater Syrtis to Gibraltar, as well as Sardinia, Corsica, and the Balearic islands, and the West Goths held Spain and southern France. The Caliphate conquered both and united them. The later Kingdom of Aragon included the eastern coast of Spain, the Balearic islands, Sardinia, Sicily, and lower Italy; and Napoleon ruled from Gibraltar to Genoa to the southern tip of Italy.[29]

In spite of the fact that the Mediterranean divides conveniently into two units, and in spite of various attempts to convert those units into separate closed seas, a tendency toward the formation of a single circumferential state has always been at work. As we have already seen, the Phoenicians, the Greeks, the Persians, Alexander, the Carthaginians, the Ommiads, and the Ottoman Empire all successively held approximately half the surrounding shores.[30] In the sense that all its shores were united under the same sovereignty, however, the entire Mediterranean has been made a perfect closed sea only once, and only by a state which was at once a land and a sea power.

"Die beiden Aufgaben, die die Beherrschung des Mittelmeeres stellt, die Küstenländer zu einigen und die Herrschaft auf dem Meere selbst zu erwerben, sind erst von Rom gleichmässig erfüllt worden, vorher nie und nachher nicht mehr im gleichen Umfange."[31]

The Romans held the entrances at either end of the Mediterranean, and held the land that surrounded it, and for almost four hundred years it remained in its entirety a Roman closed sea, and to such an extent that the form of the Roman Empire at its height was influenced by the form of the Mediterranean, its east-west extent being about twice its length from north to south. The only land power that ever approximated this dominion of the Romans over the Mediterranean was the Caliphate, which reached its greatest extent under the last of the Ommiads and embraced southwestern Asia from the Gulf of Arabia and the Indus to the Mediterranean and the Caucasus, the entire northern coast of Africa, a great part of the Spanish peninsula, and the county of Narbonne in southern France.

We find also in the Mediterranean as a whole an attempt to control routes of communication by means of the possession of

[29] März, *op. cit.*, pp. 77–78. [30] Maull, *op. cit.*, p. 338.

[31] März, *op. cit.*, p. 76. The Roman Empire reached its greatest territorial extent in 117 A.D.

isolated points on the continent and on the mainland. The Phoenician possessions dotted the entire sea—Tyre, Cyprus, Rhodes, Kasos, Crete, Thera, Melos, Paros, Salamis, Cythera, Malta, Lampedusa, Pantellaria, Sicily, Sardinia, and the Balearic islands; and centuries later Genoa dominated the routes of the western Mediterranean, the Aegean, and the Black Sea.[32]

The expansion patterns which we have been considering are not visible merely in the Mediterranean region. The Romans, the Angles, the Saxons, the Danes, the Norsemen from the east, and then from the French shore, have all crossed from the mainland to the island shores of Britain; the Spanish, failing to cross the Channel by the marriage of Philip II to Mary of England, attacked with military and naval forces; and Napoleon's plan to invade English shores was not as impractical or as far from execution as history sometimes represents it. Conversely, Great Britain, only too conscious of the dangers from the opposite shores of the Continent, was at war with France for more than a century and held points on the French coast as long as she was able. She retained Ponthieu until 1435, Calais until 1558, and still holds the Channel islands. She supported the Dutch in their revolt against Spain, and both Belgium and Holland against France in the eighteenth and early nineteenth centuries, and retains today as one of the unalterable cornerstones of her foreign policy the protection of these lowland countries against absorption by any strong power. Her second defense against attacks from the opposite coast is the maintenance of sea power so great that no one can reach her across the Channel.

The North Sea and the traffic and communications within it have been dominated at one time or another by almost every one of its littoral states, but it has never been a perfect closed sea in the sense that its entire shore line was owned by a single state. The Romans established their supremacy by controlling both shores of the Channel; it was dominated by the Danes at the beginning of the eleventh century; the Normans, taking a series of small island points (Hebrides, Faroes, Iceland, Orkneys, Shetlands), continued to expand around the sea until they held England and Normandy. England claimed the Channel as her own after 1300 and claimed such control over the North Sea that she forbade others to fish there.[33] Napoleon tried to make the sea his by territorial conquest of its shores, and, had he been able to execute his plan to invade

[32] Cf. Maull, *op. cit.*, p. 323. [33] Cf. Hennig, *op. cit.*, p. 310.

England, he would have been successful, for he held the Continental coast. It was not until 1882 that six North Sea littoral states recognized that their jurisdiction extended only three maritime miles from their coasts, and England demonstrated as late as 1917 that she could and would control all trade within the North Sea should it be to her advantage.

In the neighboring Baltic, the Hanseatic towns controlled traffic within the sea, and Denmark, Sweden, Prussia, and Russia all tried at one time or another to encircle it by land. Varangian sea power, extended by Denmark, reached its height in the thirteenth century, and was followed by the organization of the Hanseatic League, which claimed the right to determine how many Dutch ships might sail the Baltic,[34] but after three wars was finally forced to bow before Denmark's refusal to allow free passage through the Sound. Denmark also controlled much of the Baltic littoral in the thirteenth century, when she added Holstein, Mecklenburg, Pomerania, Esthonia, Dago, and Oesel to her Baltic coastal possessions, which already included southern Sweden. Four hundred years later, Gustavus Adolphus held Finland, part of Carelia, Ingermanland, most of the Baltic provinces, and a large part of the present German Baltic coast, but the Swedes did not secure a free outlet to the North Sea until Charles X took southern Sweden from Denmark.[35] In 1648 the Baltic was opened to all ships, but Denmark retained until 1875 the right to levy tolls on all traffic through the Danish Sound.[36]

Unless we include Hudson Bay in the category of marginal seas, the Western Hemisphere affords but one illustration. The Gulf of Mexico was a Spanish sea for seventeen years after the Treaty of Versailles of 1783, but it was a relatively long time before any one power was able completely to dominate the larger Caribbean of which it is a part. The United States expanded by land conquest around its northern shores (Louisiana, 1803; Florida, 1819; Texas 1845), and in 1823 enunciated the Monroe Doctrine, but was still ejecting the British from the Mosquito Coast in 1860 and the French from Mexico in 1867. Its circumferential land expansion in the literal sense stopped with Texas, but by political and economic penetration the United States has extended an indisputable influence around those shores of the Caribbean over which it is

[34] *Ibid.*, p. 309. [35] März, *op. cit.*, pp. 82–83.
[36] Hennig, *op. cit.*, pp. 311–312.

not legally sovereign. It has also established its domination over all traffic within the sea by the acquisition of strategic continental and island points; it owns Puerto Rico (1898), Culebra (1898), and the Virgin Islands (1917); it dominates the policy of the nominally independent states of Cuba, Haiti, and the Dominican Republic and has a naval base at Guantanamo Bay; it holds a 99-year lease of the Corn Islands and a perpetual lease of the Panama Canal Zone. In the words of a German geographer, the United States has "so gerauschlos vie moglich" made its domination of the Caribbean complete.

The basic similarity between riparian and transfluvial expansion on rivers and circumferential and transmarine expansion on inland and marginal seas is already clear. History testifies to the constant reappearance of these expansion forms and the ever-recurring conflict patterns that result, and there seems to be no reason to assume or expect that these behavior patterns of states will suddenly change or disappear in the near future. An awareness of their universality and inevitability should therefore provide a useful and valid basis for analysis of any and all conflict situations, actual and potential, where states face each other across rivers or seas. Countless other factors will complicate and vary each specific case, but the basic pattern against which these factors must be viewed gives promise of remaining constant.

APPENDIX

Illustrations of transmarine and circumferential expansion in and around inland and marginal seas

I. BALTIC

A. *Transmarine*

Denmark	860–1658
Sweden	1648–1720

B. *Circumferential*

Poland	1466–1660
Sweden	1524–1660
Brandenburg	1618–1701
Prussia	1701–1870
Russia	1703–1917

II. NORTH SEA

A. *Transmarine*

Rome	
Great Britain	43 A.D.
Normans	
Great Britain	1066
Great Britain	
France	1339–1453

B. *Circumferential*

Cnut	1014–1035

III. WESTERN MEDITERRANEAN

A. *Transmarine*

Carthage	
Sicily	550 B.C.
Sardinia	500 B.C.–238 B.C.
Rome	
Sicily	241 B.C.
Sardinia	238 B.C.
Corsica	238 B.C.

Carthage	146 B.C.
France	
Algeria	1830
Tunis	1881
Morocco	1912
Spain	
Spanish Morocco	1912

B. *Circumferential*

Carthage	845–227 B.C.
West Goths	415–476 A.D.
Vandals	427–534 A.D.
Napoleon	1796–1812

IV. ADRIATIC

A. *Transmarine*

Italy	
Albania	1926 Treaty 1939 Annexation

B. *Circumferential*

East Goths	476–526 (maximum)
Venice	11th–14th century
Austria	1815–1914
Italy	1859–

V. AEGEAN

A. *Transmarine*

Greek Cities	
Asia Minor (colonies)	800–450 B.C.
Greece	
Asia Minor	1919–1922

B. *Circumferential*

Crete	
West Coast of Aegean East Coast of Asia Minor	2d millennium B.C.
Greek Cities	
See above	

VI. EASTERN MEDITERRANEAN

A. *Transmarine*

Italy	
Tripoli	1912
Cyrenaica	1912

B. *Circumferential*

Egypt	1500–1100 B.C.
Assyria	750– 625 B.C.
Persia	625– 500 B.C.
Macedonian Empire	336– 323 B.C.
Egypt (Ptolemies)	323– 199 B.C.

VII. MEDITERRANEAN

A. *Transmarine*

B. *Circumferential*

Phoenicia	1100–550 B.C.
Rome	B.C. 201–43 A.D.
Eastern Roman Empire	395–568 A.D.
Arabs	635–732
Ottoman Turks	1300–1560

VIII. BLACK SEA

A. *Transmarine*

B. *Circumferential*

Greece	6th century
Macedonia	336–323 B.C.
Turkey	1300–1762
Russia	1762–1919

IX. RED SEA

A. *Transmarine*

Italy	
Eritrea	1882
Yemen (commercial treaty)	1926

B. *Circumferential*

Arabs	
Ommiads	
Egypt	639– 968
Abbasids	
Egypt	1171–1517
Ottoman Turks	
Egypt	1517–1810
Egypt	
Hedjaz	1810–1842
Great Britain	
Egypt	1882
Sudan	1884
Agreement with Hedjaz	1915
Mandate over Transjordania	1922
Treaty with Saudi Arabia	1925
Attempted treaty with Yemen	1925

X. GULF OF ADEN

A. *Transmarine*

Great Britain	
Aden	1839
Perim	1857
British Somaliland	1884
Hadramaut (sphere of influence)	1902

XI. ARABIAN SEA

A. *Transmarine*

B. *Circumferential*

Balid ez Zenj (Zanzibar)	8th century–1498
Portugal	1498–1650
Muscat	1650–1798
Great Britain	1600–1920
Surat	1612
Bombay	1662
Oman (protectorate)	1798
Mombasa	1824
Aden	1839
Sindh	1843
Kuria-Maria	1876
British Somaliland	1884
Baluchistan	1887
Zanzibar	1890
Hadramaut (sphere of influence)	1902
Persian Gulf (protectorate)	1903
Tanganyika (mandate)	1922

XII. BAY OF BENGAL

A. *Transmarine*

B. *Circumferential*

Great Britain	1610–1874
Masulipatam	1610
Madras	1640
Calcutta	1686
Ceylon	1795
Malacca	1846
Lower Burma	1852
Malay Peninsula	1874

XIII. SOUTH CHINA SEA

A. *Transmarine*

B. *Circumferential*

Formerly most of the mainland coast, including Siam, was the territory of China.

Great Britain	1819–1888
Singapore	1819
British Malaya	1874
West Borneo	1888
France	1862–1898
Cochin-China	1862
Cambodia	1863
Annam, Tonkin	1885
Kwang-Chau-Wan	1898
Japan	1898–
Formosa	1898
Fukien Special rights	1898
Canton	1938

XIV. EAST CHINA SEA

A. *Transmarine*

China	
Mainland to Formosa	17th century
Japan	
Formosa to mainland	1898

B. *Circumferential*

Russia	1898–1905
Port Arthur and Liaotung Peninsula	1898
Attempted control over Korea and North China	
Japan	1876–
Ryuku Islands	1876
Formosa	1895
Pescadores	1895
Korea	1895
Port Arthur and Liaotung Peninsula	1905

Shantung	1914–1922
Manchuria	1931
North China	1937
Shantung	1938
Central China	1938

XV. SEA OF JAPAN

A. *Transmarine*

China	
Attempt of Kublai Khan	1281
Japan	
Conquest of Korea	
By Empress Jingo	200 A.D.
By Hideyoshi	1592–1600 (failure)
In Chinese War	1895

B. *Circumferential*

Russia	1652–1905
Penetration into Manchuria and Korea	
Japan	1604–
Yezo	1604
Korea	1895
Maritime Provinces	1918–1922
Manchuria	1931

XVI. SEA OF OKHOTSK

A. *Transmarine*

B. *Circumferential*

Russia	1639–1875
Japan	1604–
Yezo	1604
Kurile Islands	1875
South Sakhalin	1905

XVII. NORTH PACIFIC

A. *Transmarine*

Russia	
Crossed Bering Straits	1731

B. *Circumferential*

Russia	1639–1823
Trading post as far south as Fort Ross (1816), north of San Francisco	
United States	1846–
Oregon	1846
California	1848
Alaska, Aleutian Islands	1867

XVIII. NORTH ATLANTIC

A. *Transmarine*

B. *Circumferential*

Norway	1261–1280
Greenland	1261–1814
Iceland	1262–1280
Denmark	1280–
Iceland	1280
Greenland	1814

XIX. AMERICAN MEDITERRANEAN

A. *Transmarine*

B. *Circumferential*

United States	1803–	
Louisiana	1803	Annexation
Florida	1819	Annexation
Texas	1845	Annexation
Mexican territory	1848	Annexation
Puerto Rico	1898	Annexation
Culebra	1898	Annexation
Cuba	1901	Platt Amendment
Panama	1903	Treaty
Santo Domingo	1905	Treaty
Haiti	1917	Treaty
Virgin Islands	1917	Annexation

STATE CONSTITUTIONAL LAW IN 1938–39

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The years 1936–38 were remarkable for the vigorous manner in which the courts attempted to preserve "the American system" from the return of the guild. The right to engage in a normal trade or calling without passing too rigorous an examination as to one's capabilities and training, to charge such prices for services as one sees fit regardless of the wishes of a dominant majority of those engaged in a particular trade or calling, and to close when one wishes rather than when a "code authority" commands, were given judicial protection. The past year has witnessed a partial change of heart. Apparently, opponents of the new economy of control are about to be told to "go to the polls, not to the courts." Even more remarkable has been the increasing tendency on the part of the legal profession, under an expanding doctrine of "inherent" powers, to take back from the legislature and from the people the right to control that profession. This tendency continued unabated during the past year. In most fields, the cases were merely typical of the normal run of decisions on state constitutional questions.[1]

In closing four years of service in preparing these annual surveys, it may not be inappropriate for the author to protest against the needless publication of opinions which are mere repetitions of the obvious. Professor Rodell's remark that "there are two things wrong with almost all legal writing: . . . its style [and] . . . its content,"[2] is doubly true of our current judicial opinions. What President Butler is alleged to have said concerning books in general is applicable here: most of them should never have been written; but having been written, they need not be read.

I. GOVERNMENTAL ORGANIZATION AND PROCEDURE

Elections and Direct Legislation. Agreeing with the courts of Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, New York, Montana, Ohio, Rhode Island, and Washington, the Tennessee court held[3] that a constitutional requirement that "all elections . . . shall be by ballot" does not preclude the use of voting machines, since "the word 'ballot' is

[1] I am indebted to Mrs. G. C. Bell, research assistant in political science, for aid in selecting the cases considered in this article. They were chosen from the approximately 60,000 pages in the advance sheets of the National Reporter System from May, 1938, to May, 1939. Unless otherwise indicated, the decision was rendered by the court of last resort of the state concerned. In Oklahoma and Texas, decisions of the court of criminal appeals, although a specialized court of last resort, also are indicated.

[2] F. Rodell, "Goodbye to Law Reviews," *Virginia Law Rev.*, Vol. 23, p. 38 (1936). [3] Mooney. v. Phillips, 118 S. W. 2d 224 (July, 1938).

not used in a literal sense but merely by way of designating a method of conducting elections that will guarantee the secrecy and integrity of the ballot." Although insisting that "the courts will not give a technical interpretation, but will regard the language employed in the constitution as that ordinarily understood by the generality of the people," the majority of the Kentucky court held[4] a similar statute invalid because more detailed provisions of that state's constitution obviously have specific reference to the Australian ballot. They added: "If the provision of our constitution were simply that elections should be by ballot, there would be no hesitancy" in following the decisions of the above courts. Dividing four to three, the Alabama court held[5] that a statute authorizing any county, city, or town to adopt voting machines violates the requirement that election laws "shall be uniform throughout the state."

The North Dakota court held[6] that since an emergency statute goes into force upon being signed by the governor, the effect of a subsequent adverse vote at a referendum election is to repeal it. Only one judge was willing to give this vote a retroactive effect. The result of the decision was to sustain the collection of income taxes falling due three months before the tax statute was voted upon and defeated, although no action to collect them had been taken until much later. The court also held that it could not question the legislature's finding that conditions warranted passage of this act as an emergency measure.

California's constitution provides that the attorney-general shall prepare the ballot titles and summaries of all initiative measures, the statutes adding that his handiwork shall be subject to review and revision solely by a "board of title commissioners" consisting of three appellate court judges. Holding that the statute was void for imposing non-judicial duties on these judges, the court ruled[7] that the sufficiency of such titles and summaries may be questioned in taxpayers' suits. Proceeding to the merits, it sustained the titles prepared for that state's highly publicized "thirty dollars every Thursday" pension plan, a modified single tax measure, and a stringent anti-picketing act. All were subsequently defeated at the polls.

Legislative Organization and Procedure. The president of the Alabama senate having died, and the president *pro tem.* having resigned from the legislature, the senate's secretary was at a loss to know how to proceed in organizing the new session. The governor having certified the proper questions to the supreme court, the justices "suggested":[8] "Upon the

[4] Grauman v. Jefferson County Fiscal Court, 117 S.W. 2d 918 (May, 1938).
[5] McCall v. Automatic Voting Mach. Co., 180 So. 695 (Jan., 1938).
[6] Cuthbert v. Smutz, 282 P. W. 494 (Nov., 1938).
[7] Epperson v. Jordan, 82 P. 2d 445 (Aug., 1938), and companion cases.
[8] Opinions of the Justices, 185 So. 376 (Dec., 1938).

assemblage of the senators at the hour and place prescribed by law, the secretary of the senate shall call the senate to order and have presented the certificates of election of each senator. Thereupon the oath of office should be duly administered and each senator will sign the same. . . . The secretary . . . shall then announce that he will entertain a motion for the election of a president *pro tempore*. . . . "

Delegation of Legislative Power to Private Groups. Upon rehearing, the Wisconsin court reversed its prior ruling[9] that legislative power had been delegated to the Wisconsin Development Association, the majority concluding[10] that "at the time of the enactment the corporation was empowered by its articles to do everything that it could do after the enactment of the statute." But most of what it gave with its right hand it took away with its left, ruling that state funds given to the corporation could not be used "to agitate for and actually assist the acquisition, construction, etc., of particular plants" by particular localities, since "for the state to throw the weight of the taxpayers' money into the scales upon an election to determine a purely local and proprietary question cannot upon any theory or principle be considered an appropriation for a state purpose."

Delegation of Legislative Power to the Administration. Massachusetts' switch from annual to biennial legislative sessions presented several perplexing problems, not the least of which grew out of inexperience with a two-year budget. The legislature finally hit upon the expedient of voting certain lump sums to be transferred as needed by the governor with the approval of a "recess committee" of senators and representatives. In an advisory opinion[11] rendered at the request of the senate, the judges expressed approval of the general plan, but concluded that since the power to transfer funds "is not the legislative power of appropriation, but rather is an executive or administrative power of expenditure," the recess "committee" must be composed exclusively of administrative officers. The Wisconsin court was less liberal, holding[12] that a statute authorizing certain executive officers to transfer money from the general fund to certain special funds to which it was due under existing laws was void because it "failed to prescribe any standard or to chart conditions or limitations." Doubtless this defect can easily be remedied by redrafting without curbing full executive discretion.

New Jersey provided: "The commissioner [of alcoholic beverages] may, in his discretion, by rule and regulation, prohibit or regulate the sale of alcoholic beverages within this state in violation of any fair trade contract" setting minimum resale prices. Pointing out that "the granting of

[9] See this REVIEW, Vol. 32, p. 674.
[10] State *ex rel.* W. D. A. v. Dammann, 280 N. W. 698 (June, 1938).
[11] Opinion of the Justices, 19 N. E. 2d 807 (Feb., 1939).
[12] Zimmerman v. Dammann, 283 N. W. 52 (Dec., 1938).

liquor licenses has always been vested in those who could exercise a reasonable discretion and who could impose reasonable regulation," and that "fixing the price, at which liquor is to be sold, is an ancient method to prevent abuse in the use of a commodity of much social disadvantage," the supreme court, all fifteen judges sitting, unanimously sustained[13] the statute. It would seem difficult to disagree had they held it void as a grant of unregulated discretion. The decision is standing proof of the absence of accepted techniques in deciding "delegation of power" cases. The Pennsylvania court came closer to the general practice when it enjoined[14] enforcement of the state 44-hour-week law for men, because it added: "Where the strict application of the schedule of hours provided for by this section imposes an unnecessary hardship and violates the intent and purpose of this act, the Department of Labor and Industry, with the approval of the Industrial Board, may make, alter, amend and repeal general rules and regulations prescribing variations from said schedule of hours." The opinion stated: "There is no policy set up, there are no standards, there are no boundaries within which the Department and the Board must exercise their discretion. There are no requirements for hearings, findings of fact with reasons for conclusions, or appeals. There is merely naked authority. . . . "

Judicial Power. Reversing the decision discussed last year,[15] the New Jersey court held[16] that the power to punish for criminal contempt "must have some limit in time," and that by analogy this is the same as established by the statute of limitations for crimes of a similar nature. The Massachusetts judges advised[17] the governor that his "power of pardoning offenses" includes authority to pardon persons convicted of criminal contempts consisting of efforts unlawfully to influence persons serving as jurors. They added: "Whether there are criminal contempts of such kinds or committed in such circumstances that they so far tend to destroy the independence of the judiciary that the pardon clause is not to be construed as including them, we need not inquire."

The Massachusetts judges likewise advised[18] that the proposal to authorize a court to remove a mayor or chief of police "if in their [the judges'] judgment the public good so requires" would violate the prohibition against the exercise of executive powers by the judicial department, since removal on such ground alone is an executive function. The Arizona judges opposed permitting a court to pass upon the annexation of terri-

[13] Gaine v. Burnett, 4 A. 2d 37 (Feb., 1939). Since the same judges compose the court of errors and appeals, the decision is final.

[14] Holgate Bros. Co. v. Bashore, 200 A. 672 (June, 1938).

[15] See this REVIEW, Vol. 32, p. 683.

[16] *In re* Jibb, 197 A. 12 (Jan., 1938).

[17] Opinion of the Justices, 17 N. E. 2d 906 (Dec., 1938).

[18] Opinion of the Justices, 14 N. E. 2d 465 (April, 1938).

tory to a city "without any standard or rule to guide it but its own view as to the political and economic expediency of the annexation." Although conceding that they were "confronted with the . . . condition of meeting with many apparently well-considered cases sustaining every contention of either side," they concluded[19] that "the power to create and to destroy municipal corporations, and to enlarge or diminish their boundaries, is universally held to be solely and exclusively the exercise of legislative power." They did not bother unduly to add to the length of their opinion by attempting to reconcile these two statements, although a few of the rulings contrary to this "universally held" doctrine were discussed briefly.

Stating that whether passage of a retirement act is an increase in the emoluments of an office, and hence renders members of the legislature ineligible for election to that office, is so difficult of determination as to be a judicial question, the Washington court held[20] that the secretary of state cannot pass upon it and reject a declaration of candidacy. An earlier case was distinguished upon the ground that "where the question of eligibility is so simple and plain that . . . it would be apparent to anyone that the filing would be a 'vain and useless thing,' the secretary may reject it." On rehearing, two judges dissenting, the decision was sustained, but this earlier case was overruled.

Concluding that to permit a party, by a mere affidavit of prejudice, to force a judge to step aside is "harsh and unfair" in that it gives such judge "no opportunity to reply," the Nevada court held[21] that such a statute delegates judicial power to private litigants. Quoting from a similar California ruling,[22] the opinion stated: "That the legislature has plenary power to prescribe the grounds which shall constitute the disqualification of a judge is undoubtedly the law, but that its power to delegate to a private citizen or to an attorney at law the right to determine that disqualification, based upon his . . . own peculiar wishes, desires, or antipathies, is an entirely different matter."

Last year's article (see this REVIEW, Aug., 1938, p. 667) discussed the integration of the Nebraska bar by rule of court. The Florida court refused[23] to take such a drastic step. Although conceding that power to regulate such matters as admissions to the bar, disbarment, and unauthorized practice of the law "is inherent in the courts and cannot be taken from them by the legislature," it added: "We are confronted with a practical situation in which the courts of this state failed at the proper time to

[19] Udall v. Severn, 79 P. 2d 347 (May, 1938).

[20] McAulay v. Reeves, 81 P. 2d 860 (Aug., 1938).

[21] Clover Valley Lumber Co. v. Sixth Judicial District Court, 83 P. 2d 1031 (Nov., 1938).

[22] Daigh v. Schaffer, 23 Cal. App. 2d 449, followed in Austin v. Lambert, 77 P. 2d 849 (Cal., March, 1938).

[23] Petition of Florida Bar Association, 186 So. 280 (Jan. and Oct., 1938).

assert their prerogative in the premises. . . . The legislature has for more than 100 years regulated . . . admissions . . . and disbarment . . . . Approval (of the rules proposed by the bar association) would amount to an attempted repeal of the acts . . . . If it could be done, it would be unbecoming and improper to attempt the results sought in this way." Hence it contented itself with supplementing existing statutory requirements for admission and creating an additional procedure, entirely controlled by the bench and bar, for instituting disbarment actions or punishing the unauthorized practice of law. The decision is further evidence that the legal profession is making rapid strides toward guild organization.

Acting under its inherent power to regulate the practice of law, as well as under the statutes of the state, the Michigan judges concluded[24] that a corporation cannot practice law and that the drafting of wills constitutes such practice. They held that a trust company can be enjoined from permitting its lawyer employees to draft wills, and also from "soliciting business for lawyers by recommendations."

II. INTERGOVERNMENTAL RELATIONS

State Adoption of National Laws. Although the federal Supreme Court, from the days of Marshall to the present, uniformly has sustained the Congress in hinging its statutes to the laws and institutions of the states, many state courts continue to block all efforts of their state legislatures to treat the national government as other than a "foreign" jurisdiction.[25] In invalidating the 44-hour-week law for men, discussed above,[26] the Pennsylvania court added: "Even more palpably violative of the [state] constitution is the provision . . . that ' . . . with respect to any industry whose schedule of hours is established by federal regulation, the schedule to be fixed by the Department of Labor and Industry . . . shall conform to the schedule established by any such federal regulatory body.' Whatever the federal schedule, now or hereafter adopted, may be, the Pennsylvania schedule 'shall conform.' . . . In this attempted transfer of legislative power there is not even a semblance of limitation or control. A more sweeping abdication of power and duty it would be difficult to imagine. . . . It attempts to hand over to federal authority—whether Congress, executive commission, or other agency not yet appearing—plenary power to regulate working hours in Pennsylvania."

Overlapping Criminal Laws and Penal Ordinances. The Florida court sustained[27] an ordinance providing: "It shall be unlawful to commit, within . . . the city of Miami, any act which is or shall be recognized by the laws

[24] Detroit Bar Assoc. v. Union Guardian Trust Co., 276 N. W. 365 (Oct., 1937) and 281 N. W. 432 (Oct., 1938). [25] See this REVIEW, Vol. 32, pp. 1093–98.

[26] See the discussion of the case cited *supra*, note 14.

[27] Orr v. Quigg, 185 So. 726 (Dec., 1938).

of the state of Florida as a misdemeanor. . . . Whosoever shall violate . . . this ordinance . . . shall be punished by the same penalty as is therefor provided by the laws of the state of Florida, but in no case shall the penalty exceed" $200.00 and/or 90 days. This type of ordinance seems to be making rapid headway in the Southern states.[28] Reasoning by analogy from an earlier decision sustaining an ordinance adopting the provisions of the National Prohibition Act, the Florida judges concluded that the fact that the ordinance "expressly adopts by reference" the state law proves that no conflict exists. Earlier decisions had settled the right of Florida municipalities to punish acts already criminal under state laws.[29]

Home Rule and Special Legislation. Kentucky provided that the alcoholic beverage administrator in cities of the first class should be appointed by the state whereas second and third class cities were to select their own administrators through their mayors. Louisville, a city of the first class, succeeded in convincing the state court that it must be permitted a degree of local control equal to that of its smaller sister communities, the judges stating:[30] "Counsel . . . attempt to justify the classification on the ground that a vastly greater number of persons will engage in the sale of liquor in cities of the first class than will in cities of a lower class. That would be a natural and reasonable basis for classification with respect to salaries, assistants, clerical help, etc., but the distinction between those matters and the . . . appointment of the city administrator is too apparent to require argument. The state of facts enumerated by counsel is not sufficient to justify the classification." The Kansas judges invalidated[31] a statute authorizing "cities" of the first class (Kansas City only) "to establish benefit districts for the acquiring and improving of parking stations for public use in such cities," since they could "discern no difference between the traffic situation as it exists in Kansas City as distinguished from Wichita, or of those two cities as distinguished from many other cities in Kansas."

While the attempt of a Tennessee county to gain control of the state's fur trade through an exemption from the state tax on transactions in hides was defeated[32] by a unanimous court, the majority of the Illinois judges sustained[33] the right of the legislature to permit Chicago to adopt a higher tax rate than that authorized in smaller communities. The opinions properly pointed out that whereas population has no rational connection with the duty to pay a state transactions tax, it does have a very

[28] See this REVIEW, Vol. 30, p. 700; J. A. C. Grant, "Penal Ordinances and the Guarantee Against Double Jeopardy," *Georgetown Law Jour.*, Vol. 25, p. 293, at p. 297 (1937). [29] See Grant, *loc. cit.*

[30] Chandler v. City of Louisville, 125 S. W. 2d 1026 (Feb., 1939).

[31] Barker v. Kansas City, 88 P. 2d 1071 (April, 1939).

[32] Buntin v. Crowder, 118 S. W. 2d 221 (July, 1938).

[33] Lindheimer v. Schweitzer, 16 N. E. 2d 897 (June, 1938).

intimate bearing upon even the per capita cost of performing the functions of local government.

III. INDIVIDUAL RIGHTS: PROCEDURAL

Although civil procedure gives rise to few questions of a constitutional nature, the rights of persons accused of crime are a constant source of litigation and an ever-flowing spring of new doctrines. The search and seizure clauses, in particular, are proving to be gold mines for criminal lawyers. Only the more important cases can be discussed here.

Search and Seizure. Until quite recently, with a few exceptions (as in the case of involuntary confessions), evidence otherwise competent was uniformly admissible irrespective of the manner in which it was obtained by the prosecution. The North Carolina court has clung to this rule. In 1937, a statute regulating the issuance of search warrants added: "and no facts discovered by reason of the issuance of such illegal search warrant shall be competent as evidence in the trial of any action." Although two judges felt[34] that "if an illegal warrant fails to justify the search and renders the evidence obtained thereby incompetent, much more so should the absence of a warrant entirely be given the same effect," the majority was not impressed by the argument that this statute "evinces the legislative intent by necessary implication that this remedial check upon acts in violation of common right should be extended to an unlawful search without a warrant."

States following the new rule that evidence secured by the prosecution through violating the immunity of the defendant from unreasonable search and seizure is inadmissible, normally hold that a search cannot be validated by the consent of some third person. The Illinois court held[35] that this is true, even where the third person is the defendant's wife and the consent is to the search of their home. In People v. Dent,[36] it applied the same rule to a slightly different state of facts. Police officers, suspecting the defendant of running a policy game, visited her home. In response to their ringing of the doorbell, some one in the house said, "Come in." They entered, found plenty of evidence in plain view, and arrested the defendant and a second woman sitting with her at a table. Their inability to prove that it was not this second woman that invited them to enter caused the majority to set aside the conviction. They were likewise of opinion that since "the officers did not disclose their identity when seeking admission . . . their actions were fraudulent, and even if she had given them permission to enter, in ignorance of their official character and purpose, such entrance would have been illegal" and the evidence thereby secured inadmissible. Three judges dissented.

[34] State v. McGee, 198 S. E. 616 (Sept., 1938).
[35] People v. Lind, 18 N. E. 2d 189 (Dec., 1938).
[36] 19 N. E. 2d 1020 (April, 1939).

Stating that "the constitutional provisions . . . against unreasonable and unlawful searches and seizures . . . and the consequent incompetency of the testimony discovered thereby have no application to unlawful searches of the premises or possessions of another than the defendant," the Kentucky court ruled[37] that certain evidence "was competent as to appellant, since he was not the owner of the car which he claims was illegally searched." This rule seems to be quite definitely established. In practice, it often permits the conviction of all but the principal criminal in a joint crime.

Under what circumstances may the police search an automobile? In Linthicum v. State,[38] appellant was arrested for speeding. Holding that, the arrest being legal, the contemporaneous search of the automobile was likewise legal, the Texas court of criminal appeals sustained a conviction for transporting intoxicants. Under virtually identical facts, the Tennessee judges concluded:[39] "The search which disclosed the liquor exceeded proper limitations . . . [in that it] had no reasonable relation to the offense for which the arrest was made, . . . [and] was not for the purpose of disarming the prisoners, or securing proof of their guilt of that offense." The Illinois court validated[40] the practice of stopping *all* cars (in this case, "about one hundred") using a particular highway supposedly being used by a fleeing criminal.

Speedy Trial. While he was serving a sentence in a federal prison, Schechtel was indicted for a crime against Colorado. Not until his attorney moved to dismiss the indictment because of delay in bringing the case to trial did the state take any steps to secure permission from the federal authorities to proceed with the case. His attorney then sued out a writ of *habeas corpus*, which was denied,[41] the court explaining that since "the surrender of a federal prisoner to a state for a trial . . . on state charges, rests entirely within the discretion of the United States, . . . [no obligation] is imposed upon the prosecuting authorities of the state to make application to the federal authorities" for permission to proceed.

Successive Prosecutions. Conceding that "some courts have gone to the extent of holding that there can be but one punishment for one criminal transaction," the North Carolina court unanimously held[42] that an acquittal on a charge of reckless driving will not bar prosecution for manslaughter even though the two charges stem from the same occurrence. The ground for the decision is none too clear, as the opinion merely stated: "In the first place, the two offenses are not the same, either in law or in

[37] West v. Commonwealth, 117 S. W. 2d 998 (May, 1938).
[38] 116 S. W. 2d 714 (March, 1938).
[39] Elliott v. State, 116 S. W. 2d 1009 (May, 1938).
[40] People v. Euctice, 20 N. E. 2d 83 (Feb., 1939).
[41] *Ex parte* Schechtel, 82 P. 2d 762 (Aug., 1938).
[42] State v. Midgett, 198 S. E. 613 (Sept., 1938).

fact. . . . The one is a misdemeanor, the other a felony. . . . Additional facts must be alleged and proved to establish the greater. . . . When the same act constitutes a violation of two statutes, a prosecution for the violation of one need not bar a subsequent prosecution for the violation of the other. . . . There is also authority for the position that jeopardy incident to a trial before an inferior court does not extend to an offense beyond its jurisdiction." The Maine court took a different view, stating:[43] "The test to be applied is not merely whether the same evidence supports both charges, or whether more proof might come in on a second trial, but whether the two offenses are essentially independent and hence distinct." It held that "testimony given in one trial, under one oath, at different times, but all relating directly or indirectly to" the same matters, can serve as the basis of only one prosecution for perjury.

Fortunate is the defendant who can profit from the technical errors of his pursuers. In Friend v. State,[44] the defendant appealed from a conviction before an inferior court. Erroneously concluding that this court had been without jurisdiction, the prosecuting attorney entered a *nolle prosequi* and had the accused indicted. The indictment was held to be barred by the first trial. In Dato v. Himes,[45] the judge of the criminal court stopped a trial and dismissed the defendant pursuant to a writ of prohibition served upon him by a higher court. The writ having been improperly issued, the defendant went free.

Jury Trial. In State v. Slowe,[46] the defendant was convicted and sentenced for killing a deer out of season. Counsel then moved in arrest of judgment, the motion was granted, and the state appealed, the motion having been based upon the denial of a jury trial. Of course the state won, the court holding that "a motion in arrest of judgment lies only after verdict and before judgment." Although conceding that "the opinion might properly stop here," the court added: "In view of the palpable errors in denying a jury trial . . . it is not improper to go further. . . . A plea of not guilty to an information or indictment for crime, whether felony or misdemeanor, puts the accused upon the country, and can be tried by a jury only. . . . As the defendant in this case did not waive, but expressly demanded, a jury trial, his constitutional rights were violated." Of course the net result, this issue not being before the court, was to "leave the judgment and sentence . . . unaffected by the motion" in arrest of judgment. Is it not a little strange that a court which insists that it would violate the constitution were it to render advisory opinions at the request of the governor, or of the legislature, will indulge in such *obiter* dissertations? Of course one practical difference must be conceded in that

[43] State v. Shannon, 3 A. 2d 899 (Jan., 1939).
[44] 2 A. 2d 430 (Md., Nov., 1938).
[45] 184 So. 244 (Fla., Oct., 1938).
[46] 284 N. W. 4 (Wis., Feb., 1939).

the *dicta* technique of rendering advice is completely under the control of the court, which asks only such questions as it desires to answer.

Washington decided to cleave to the ever-decreasing number of courts[47] holding that, in the absence of express statutory authority, one who is charged with the commission of a felony[48] or misdemeanor[49] cannot waive his right to trial by jury. The judges mistakenly insisted that this is "the rule uniformly followed," making it unnecessary to discuss counter doctrines. However, their actual rulings were based upon a statute held to forbid waiver. The New Mexico court dodged[50] the question if all violations of municipal ordinances are "petty offenses," to be summarily tried without a jury, although it indicated a negative answer in stating that when called upon to face this issue, "the nature of the offense and the severity of the penalty prescribed will doubtless be elements to be considered." It held that a municipal prosecution for the use of "vile and abusive language," constituting a misdemeanor punishable by both fine and imprisonment, is for a "petty offense."

Self-Incrimination; Right to Testify. Stating that "there has been an increasing tendency in recent years upon the part of courts of many jurisdictions to extend the scope of the self-incrimination constitutional provisions to entirely unwarranted lengths," an Ohio appellate court held[51] that "the privilege . . . applies only to disclosure by utterance, oral or written." Consequently it gives no immunity from blood test or urinalysis to determine the amount of alcohol in one's system. Without laying down such a sweeping generalization, the Texas court of criminal appeals held[52] that fingerprints taken against the defendant's wishes are admissible. It was particularly impressed by its prior rulings that a defendant may be required to fit his foot or shoes to prints found at the scene of the crime.[53] But when an Alabama sheriff, having gone to the scene of a crime, "took hold of the defendant's foot and . . . placed it in the track," the court of appeals—which is the court of last resort in most criminal matters—held[54] that testimony as to the result of this comparison "constituted a clear violation of appellant's rights as set forth" in the Alabama constitution.

[47] See J. A. C. Grant, "Waiver of Jury Trial in Felony Cases," *California Law Rev.*, Vol. 20, p. 132 (1932), reprinted in Assoc. of Amer. Law Schools, *Selected Essays on Constitutional Law*, Vol. 2, p. 1301 (1938).

[48] State v. Karsunky, 84 P. 2d 390 (Nov., 1938).

[49] State v. McCaw, 88 P. 2d 444 (March, 1939).

[50] Guiterrez v. Gober, 87 P. 2d 437 (Jan., 1939).

[51] State v. Gatton, 20 N. E. 2d 265 (May, 1938).

[52] Conners v. State, 115 S. W. 2d 681 (April, 1938).

[53] These rulings were based upon one of the least satisfactory of all doctrines. See the discussion of the Texas cases in J. A. C. Grant, "Self-Incrimination in Modern American Law," *Temple Law Quar.*, Vol. 5, p. 368 (1931).

[54] Daughtery v. State, 186 So. 780 (Jan., 1939).

The Massachusetts legislature seriously considered providing: "If the defendant does not testify, but introduces evidence tending to show reasons for his failure to testify, the prosecution may be permitted, in the court's discretion, to introduce evidence in rebuttal and to comment on the failure of the defendant to testify." Relying in part upon the federal Supreme Court's opinion in Twining v. New Jersey[55]—which certainly is poor authority for this position—all but one of the judges advised[56] that such an act would be unconstitutional.

The Kentucky court unanimously held[57] that to prevent a defendant previously convicted of false swearing from testifying violates the guarantee that "in all criminal prosecutions the accused has the right to be heard by himself and counsel."

Erroneous Record of Conviction. Peak was tried before a police justice, the judgment of the court being recorded as follows: "Upon the evidence heard, Walter Peak is hereby dismissed of the within charge of maintaining a common nuisance and is sentenced to 30 days in jail, and fined $100.00 and $9.25 costs. . . . Premises . . . ordered padlocked. . . . " Having been granted a new trial, he again was convicted. The Virginia court set him free,[58] stating: "There is no evidence in the record that the police justice made a clerical error in using the word 'dismissed' . . . instead of the word 'convicted.' Even though he made such error, he could not have corrected it . . . after it was certified" to a higher court. The second court "erred in trying him upon a charge of . . . which he had already been . . . acquitted."

IV. INDIVIDUAL RIGHTS: SUBSTANTIVE

Freedom of Expression. Saying that "in this state the right to peacefully picket rests upon the constitutional guaranty of the right of free speech," a California district court of appeal released[59] a petitioner sentenced for violating an injunction forbidding picketing and the display of "unfair to organized labor" signs in front of a grocery, fruit, and meat market the operators of which refused to close their store on Sundays. No labor dispute existed, as the market employed only one part-time worker. The New Jersey court of chancery was of a very different turn of mind, enjoining[60] picketing by an outside union the purpose of which was to secure a closed shop contract. Defending the rule that "where no strike or labor controversy exists, picketing of an employer's place of business is unlawful," the judges wrote: "Defendants . . . argue that any restraint of . . . [picketing and] the distribution of circulars, would be a denial of the right

[55] 211 U.S. 78 (1908).
[56] Opinion of the Justices, 15 N. E. 2d 662 (June, 1938).
[57] Bowman v. Commonwealth, 125 S. W. 2d 213 (Feb., 1939).
[58] Peak v. Commonwealth, 199 S. E. 473 (Nov., 1938).
[59] *Ex parte* Lyons, 81 P. 2d 190 (June, 1938).
[60] Mitnick v. Furniture Workers Union, Local . . . , 200 A. 553 (July, 1938).

of free speech. . . . The argument is interesting, but specious. . . . There are two classes of constitutional rights: absolute . . . and qualified. . . . Absolute rights are the inherent rights of the citizen, sometimes referred to as natural or human rights. These rights preceded government, are inherent in the very nature of man himself, were not given, but declared, by the Constitution, and are inalienable. Among the 'natural and inalienable rights' . . . are those of . . . acquiring, possessing and protecting property. . . . Qualified rights . . . are those created and granted by the Constitution. They did not precede government and they are not inalienable. . . . Among these . . . , which are more in the nature of privileges than rights in the strict sense of the word, is the so-called right of free speech, a privilege often confused with absolute right. . . . It is the height of absurdity to insist on recognition of a privilege named in one section of the Bill of Rights so that an inalienable right solemnly guaranteed by another of its provisions may be disregarded.

This two-fold classification of rights, under which the provisions even of a constitution might be "unconstitutional," would warm the hearts of many great jurists of the formative era of American constitutional law.[61] The opinion is only one of many written during the year indicating that the spirit of Marshall's opinion in Fletcher v. Peck[62] is, if anything, more vigorous than that which pervades his opinion in Marbury v. Madison.[63]

The federal Supreme Court's ruling that the Fourteenth Amendment prevents a city from prohibiting the distribution of all literature or circulars without the consent of the city manager[64] was responsible for numerous attacks upon somewhat similar ordinances. Most of these ordinances were sustained, but as the efforts to find distinguishing features involve questions of federal rather than state constitutional law, they will not be discussed here. The Wisconsin case[65] sustained application of the ordinance to prevent the distribution of handbills by pickets.

Prices, Wages, and Hours. Unfair practices acts, forbidding the use of "loss leaders" by retailers, were sustained in California,[66] Montana,[67] and Wyoming.[68] The Nebraska court invalidated[69] such a statute on the ground that its meaning was too "indefinite and uncertain" to create a crime. A New Jersey trial judge, facing the issue more squarely, held[70] that since

[61] See J. A. C. Grant, "The 'Higher Law' Background of the Law of Eminent Domain," *Wisconsin Law Rev.*, Vol. 6, p. 67 (1931), reprinted in Assoc. of Amer. Law Schools, *Selected Essays on Constitutional Law*, Vol. 2, p. 1912 (1938).

[62] 6 Cranch 87 (U. S., 1810). [63] 1 Cranch 137 (U. S., 1803).

[64] Lovell v. Griffin, 303 U. S. 444 (1938).

[65] City of Milwaukee v. Snyder, 283 N. W. 301 (Jan., 1939).

[66] Whse. Tobacco Dealers Bureau . . . v. National Candy and Tobacco Co., 82 P. 2d 3 (July, 1938).

[67] Associated Merchants of Montana v. Ormesher, 86 P. 2d 1031 (Feb., 1939).

[68] State v. Langley, 84 P. 2d 767 (Dec., 1938).

[69] English v. Ruback, 281 N. W. 607 (Oct., 1938).

[70] State v. Packard-Bamberger & Co., 2 A. 2d 599 (Oct., 1938).

"the most enlightened judicial policy is to let people manage their own business in their own way," and not to force the buying public "to purchase articles at higher prices, increasing the cost of living," such an act, "under the American concepts of government and economics, is a deprivation of clearly defined property rights without due process of law." Of course the higher courts may be no more impressed by this opinion than was the California court with a prior ruling[71] in that state.

Dividing four to two, the Florida court sustained[72] a statute creating a board consisting of three members chosen from the cleaning industry, three from the laundry industry, and one member chosen to represent the public, with power, after public hearings, to fix a schedule of minimum prices to be charged for services in these two industries. The Florida court unanimously invalidated[73] a similar statute because of a defective title, the opinion also expressing doubt as to the validity of a program "when, as here, the Board . . . is, with one exception, composed of members of designated classes who are directly and vitally interested in enforcing the statute for their peculiar financial benefit."

Barbers in particular have insisted upon retaining their "codes of fair competition" originally adopted under the N. I. R. A., and the year 1938–39 proved a most successful one. The standard pattern calls for the promulgation, by the barber board or by the governor, of a code regulating closing hours and minimum prices, provided that the terms of the code are accepted by 75 per cent of the barbers of the service area and are found by the code authority to be "equitable" and in the public interest. The price features of such codes were sustained in Minnesota,[74] Louisiana[75] and Oklahoma;[76] only the Tennessee court, which was "unable to see that the public good would be benefited," rendered[77] a contrary ruling. The Minnesota court, although granting[78] that "the main objective, somewhat disguised, is the welfare of the trade rendering the services," and that "the wisdom of such group legislation may be doubted," concluded: "But that is for the legislature and not the courts." The Tennessee decision also invalidated the provisions concerning closing hours, and the Oklahoma court's opinion expressed doubt as to their validity. Statutes and ordinances regulating closing hours were held void in Massachusetts,[79] Oklahoma,[80] and Rhode Island.[81]

[71] See this REVIEW, Vol. 32, p. 688.

[72] Miami Laundry Co. v. Florida Dry Cleaning & Laundry Board, 183 So. 759 (July, 1938). [73] Lichtenstein v. Coleman, 183 So. 730 (Sept., 1938).

[74] State v. McMasters, 283 N. W. 767 (Feb., 1939).

[75] Board of Barber Examiners v. Parker, 182 So. 485 (on rehearing, May, 1938).

[76] Herrin v. Arnold, 82 P. 2d 977 (July, 1938); Vandervort v. Keen, 85 P. 2d 405 (Nov., 1938). [77] State v. Greeson, 124 S. W. 2d 253 (Feb., 1939).

[78] State v. McMasters, 283 N. W. 767 (Feb., 1939).

[79] Opinion of the Justices, 14 N. E. 2d 953 (May, 1938).

[80] Oklahoma City v. Johnson, 82 P. 2d 1057 (Sept., 1938).

[81] Amitrano v. Barbaro, 1 A. 2d 109 (July, 1938).

Having held the Pennsylvania 44-hour-week law for men void because of the delegation of legislative power to the administration and to the national government,[82] the court found it unnecessary to discuss other questions raised by such legislation.

Regulation of Business Practices. A Florida city prohibited "fire sales" unless a license was secured and an inventory of the merchandise to be offered, together with the current wholesale price thereof, filed with the tax collector. The fee for the license was much greater if the applicant had not been engaged in business at the location where the sale was proposed to be held at least one year. The inventory clause was sustained[83] as a "measure to protect the public from imposition and deceit," the difference in license fees being justified "as a means to protect the public from being imposed on . . . by those who have no established responsibility in the community." Detroit's effort to prevent retailers of bakery or petroleum products from giving premiums to increase their sales was unsuccessful, the Michigan court intimating[84] that a statute setting a minimum price for such goods would be more justifiable since it would be a more logical method of ending price wars.

Efforts of the Carolene Products Co. to strike down statutes forbidding the sale of "filled milk," which were so successful two years ago,[85] were unsuccessful in Missouri,[86] the judges being impressed by the federal Supreme Court's ruling[87] that such products may be excluded from interstate commerce. The Wisconsin legislature was unable to prevent the use for public service of grade stallions for breeding purposes, the court[88] being "unable to perceive any sufficient basis for finding . . . that the general stock of horses will be bettered by limiting sires to pure-breds." Two judges dissenting, the North Carolina court held[89] that one desiring to practice photography may be required to prove his technical qualifications and moral character.

The Florida judges, in an action brought by a Fuller Brush salesman, unanimously invalidated[90] an ordinance forbidding house-to-house soliciting of orders without previous requests from each householder. The Louisiana judges reached the opposite conclusion[91] because of the "many frauds . . . perpetrated upon unsuspecting housewives by strange peddlers in the sale of their shoddy goods, and many fraudulent schemes . . .

[82] See the discussion of the case cited *supra*, notes 14 and 26.
[83] Lawson v. Woodruff, 184 So. 81 (Oct., 1938).
[84] People v. Victor, 283 N. W. 666 (Feb., 1939).
[85] See this REVIEW, Vol. 31, p. 672.
[86] Poole & Creber Market Co. v. Breshears, 125 S. W. 2d 23 (Dec., 1938).
[87] United States v. Carolene Products Co., 304 U. S. 144 (1938).
[88] State v. Withrow, 280 N. W. 364 (June, 1938).
[89] State v. Lawrence, 197 S. E. 586 (June, 1938.)
[90] Prior v. White, 180 So. 347 (April, 1938).
[91] City of Shreveport v. Cunningham, 182 So. 649 (June, 1938).

worked . . . by strange solicitors, who allow discounts for cash payments in full . . . and do not send in the orders."

Government Liability in Tort. Thanks in part to President Coolidge's veto of a general claims bill,[92] we make but slow progress in eliminating the most outmoded offshoot of the doctrine that "the sovereign can do no wrong"—the immunity of a government from suit for the torts of its agents. Efforts to cure the resulting unfairness by resolutions authorizing particular suits to be brought based upon specific prior injuries proved unsuccessful in Idaho,[93] Kentucky,[94] Nebraska,[95] and Oklahoma,[96] the courts feeling that the resulting situation was just as unfair in that "particular citizens were made the recipients of the solicitude of the state to the exclusion of other citizens similarly situated." The retroactive nature of these resolutions in creating a liability where none previously had been recognized also impressed the judges.

V. FISCAL POWERS

Taxation. A California district court of appeal could see nothing inequitable in the retroactive application of an act increasing franchise taxes based upon business done in the preceding year, even though the result of the decision[97] was to sustain the collection of a second tax after the first had been paid. This decision is in line with the normal rule. On the other hand, statutes repealing taxes normally cannot be applied retroactively, as the New Jersey College for Women found[98] to its sorrow.

Taking advantage of the advice that "the power to tax involves the power to destroy," the city of Camden, New Jersey, levied an annual license fee of $10,000 upon each "self-service" market. Check-mating Marshall with Holmes, the New Jersey court replied:[99] "Not while this court sits." The Georgia court sustained[100] a graduated retail store tax based upon the number of hours per week a business was operated. The opinion stated: "The businesses could have operated every hour of every week-day, if so desired. The ordinance only imposed a reasonable license tax that was applicable to all parts of the city and to all persons operating businesses within reasonable classes."

As the Great Atlantic and Pacific Tea Co. discovered, it may be very expensive to refrain from paying a tax while contesting its constitutional

[92] H. R. 9285, 70th Cong., 2d Sess., vetoed March 4, 1929.

[93] Walton v. Parsons, 80 P. 2d 20 (May, 1938).

[94] Carr v. Jefferson County, 122 S. W. 2d 482 (Dec., 1938).

[95] Cox v. State, 279 N. W. 482 (May, 1938).

[96] Jack v. State, 82 P. 2d 1033 (June, 1937); Graham v. State, 83 P. 2d 815(Oct., 1938).

[97] American States Water Service Co. v. Johnson, 88 P. 2d 770 (March, 1939).

[98] *In re* Voorhees' Estate, 3 A. 2d 891 (N. J., Feb., 1939).

[99] Great A. & P. Tea Co. v. Board of Commissioners, 4 A. 2d 16 (Feb., 1939).

[100] Ard v. City of Macon, 200 S. E. 678 (Nov., 1938).

validity, however doubtful that validity may be. That company operates over 15,000 stores in the United States, Canada, and elsewhere. Only 106 of these were located in Louisiana. Consequently, it found itself very seriously disadvantaged when that state graduated its chain store tax according to the number of units, wherever located. On February 27, 1935, one day before the taxes became delinquent, it instituted proceedings in a federal district court, obtaining a temporary restraining order and later an interlocutory injunction prohibiting the state from collecting these taxes. When the case was tried on its merits, the statute was sustained; and on May 17, 1937, the federal Supreme Court, dividing four to three (Justices Van Devanter and Stone not sitting,) likewise upheld the tax. The state then sued to enforce the provision that delinquent taxes "shall bear interest at the rate of two per cent per month, plus ten per cent additional on both principal and interest as attorney's fees," the delinquency dating from February 28, 1935, and was victorious.[101] The opinion stated: "The injunction proceedings in the federal court had the effect of restraining and prohibiting the state from enforcing the provisions of the act during the pendency of the action, but that did not have the effect of suspending the effectiveness of the act when the final judgment of the court upheld its validity." The court likewise held that the penalties were not so excessive as unreasonably to deter an appeal to the courts, although they constituted a very large percentage of the $281,536.75 held due.

Tax Exemption. The masonic lodge owns a three-story building in Alabama, the first two floors of which it rents for commercial purposes. Its charter provides: "The property and effects owned by them, being dedicated to charitable purposes only, shall be exempt from taxation." Holding to the ancient maxim, "Every grant of our lord the king ought to be taken strictly against our lord the king, when it can be understood in two ways," the majority of the Alabama court held[102] the building to be tax exempt. The minority, insisting upon the generally accepted rule that "exemptions from taxation must be strictly construed in favor of the taxing power," insisted that "property rented and used for commercial purposes is not used exclusively for charitable purposes, though the rents are subsequently so used." They characterized most of the majority opinion as "camouflage." A somewhat similar opinion was rendered in Vermont, the court holding[103] that provision that "any manufacturing establishment or establishments acquiring the property of the Yorke Shirt Co . . . [shall] be exempt from taxation for . . . 5 years, provided that employment be maintained therein for not less than forty people,"

[101] Louisiana v. Great A. & P. Tea Co., 183 So. 219 (La., May, 1938).
[102] Ware Lodge . . . etc. v. Harper, 182 So. 59 (June, 1938).
[103] Spaulding v. City of Rutland, 3 A. 2d 556 (Jan., 1939).

guaranteed such exemption even though the purchaser rented the property to other manufacturers.

The Florida court rendered two interesting opinions. The first[104] prevented the city of Daytona Beach from paying to a privately owned golf course a sum of money equal to all state and local taxes levied upon it in return for its agreement to improve its facilities and to serve the public for reasonable fees, the majority not being impressed by the argument "that it is more economical . . . to obtain the benefits of a golf course through this contract method than for the same to be owned and operated by the city." Possibly this should be classified as a spending case rather than as a tax exemption one. The second[105] sustained an interpretation of a tax exemption statute which resulted in granting such exemption to plants building steel vessels. The opinion, which was brief and unanimous, commented: "We cannot but bear in mind . . . how important it is that every incentive should be offered to those who would venture to construct manufacturing plants in the state."

Cases dealing with low-cost housing projects uniformly sustained the immunity of such projects from taxation.[106]

Spending. A California district court of appeal held[107] that since "the legislature has no power to make any gift . . . of any public money" it cannot pass a retroactive pension act, since "a pension is a gratuity when it is granted for services . . . which at the time they were rendered gave rise to no legal obligation." Dividing five to three, the New York court held[108] that public funds cannot be used to transport students to private or parochial schools. The Wisconsin court held[109] that the fact that an appropriation is made for a legitimate public purpose does not save it from attack as not being made for a *state* purpose.

In one of the most significant decisions of the year, the Florida court invalidated taxes levied to pay certain bonds which had been legally issued, because the proceeds had been used "to construct streets and highways in a private real estate development and to improve the water front of a private hotel." The majority reasoned:[110] "Appellants have said much about the evil consequences resulting if this view becomes the law, the bonds having passed into the hands of innocent purchasers. . . . The duty of ascertaining how their proceeds were used . . . will be no more onerous than some of the other duties imposed on [the purchaser]. . . . The Constitution [was written] to protect the taxpayer, the bond purchaser was on

[104] City of Daytona Beach v. King, 181 So. 1 (May, 1938).

[105] City of Tampa v. Tampa Shipbuilding and Engineering Co., 186 So. 411 (Jan., 1939). [106] See the cases cited *infra*, note 113.

[107] Lamb v. Board of County Peace Officers Retirement Com'n. 84 P. 2d 183 (Nov., 1938). [108] Judd v. Board of Education, 15 N. E. 2d 576 (May, 1938).

[109] See the discussion of the case cited *supra*, note 10.

[110] Olds v. Alvord, 183 So. 711 (March, 1938).

notice of it, . . . and could have protected himself. He has recourse against the improved property, but he can claim nothing against the city."

Missouri provided that if public or civic funds are given to attract the location of factories or offices, it is unlawful to abandon any such factory or office without first refunding all such gifts with interest. The necessity for such a statute shows of how little importance the doctrine of Loan Association v. Topeka[111] has been in practice. The Missouri court invalidated[112] this statute upon the curious ground that its application solely to persons who had received such gifts deprived them of equal protection of the laws.

State or municipal coöperation with the United States Housing Authority in low-cost housing projects was sustained in nine states.[113] In addition to the argument that such projects entail spending for other than a public purpose, counsel reasoned that they cannot be granted immunity from taxation or permitted to exercise the power of eminent domain, that too much discretion is delegated to the housing authorities, and that the contracts entered into with the federal agency entail a loss of state sovereignty. In combatting these arguments, the opinions present a sorry picture of American living standards, the South Carolina court pointing out that in Columbia, "of 12,000 dwelling houses, some 4,000 are without inside toilets, some 5,200 without bath or shower facilities, some 4,200 without gas or electric lights. . . . Of the 54 dwelling units which previously occupied [the site of the University Terrace project], only one contained a bath tub and only two inside toilets."

Contesting Appropriations. Stating that whether taxpayers "may properly seek to enjoin the illegal expenditure of state funds appears to present an inquiry of new impression in this forum," the New Hampshire court concluded:[114] "Their right when the funds belong to municipal corporations is well settled. . . . The better reasoning . . . extend[s] the right to state appropriations. . . . The degree or extent of injury does not measure principle." This puts the New Hampshire law in line with that of most states, but in sharp contrast with the federal rule.[115]

[111] 20 Wallace 655 (U. S., 1874).

[112] Idel v. Hamilton-Brown Shoe Co., 121 S. W. 2d 817 (Sept., 1938).

[113] Marvin v. Housing Authority of Jacksonville, 183 So. 145 (Fla., July, 1938); Williamson v. H. A. of Augusta, 199 S. E. 43 (Ga., Sept., 1938); Krause v. Peoria H. A., 19 N. E. 2d 193 (Ill., Jan., 1939); Porterie v. H. A. of New Orleans, 182 So. 725 (La., June, 1938); Rutherford v. City of Great Falls, 86 P. 2d 656 (Mont., Jan., 1939); Wells v. H. A. of Wilmington, 197 S. E. 693 (N.C., June, 1938); Dornan v. Philadelphia H. A., 200 A. 834 (Pa., June, 1938); McNulty v. Owens, 199 S. E. 425 (S.C., Oct., 1938); Knoxville H. A. v. City of Knoxville, 123 S. W. 2d 1085 (Tenn., Jan., 1939).

[114] Conway v. New Hampshire Water Resources Board, 199 A. 83 (April, 1938).

[115] See Frothingham v. Mellon, 262 U. S. 447 (1923).

The Constitutional Initiative in Operation. Out of the period at the beginning of this century in which revolt and revision of the lines of established political control produced the Progressive movement, the initiative was developed as a means for amending state constitutions. It may not be said with accuracy, however, that the initiative was a product solely of the Progressive movement. Men such as Dr. John R. Haynes of California and W. S. U'Ren of Oregon were urging the initiative in their respective states before the Progressive movement crystallized. Nevertheless, the initiative was a tool much to the Progressives' liking, and most of the states that adopted it as a method of amending their constitution did so during the time in which the Progressives were at the height of their effectiveness as a party group. Both sprang from the same soil that nurtured revolt against the tightly knit political machine organization that dominated the state governments in the latter part of the nineteenth century. Both the initiative and the Progressive party campaign techniques were based upon a belief in the ability of masses of voters to make effective choices among fundamental issues and policies.

A renewed interest now manifest in the use of the constitutional initiative brings that device forward again as a subject of current interest. (See Table I.) Between 1902 and 1918, 13 states adopted the initiative as a device for amending their constitution;[1] and during this 15-year period, the states that adopted the initiative made a comparatively extensive use of it. The next period, 1926–32, however, produced almost no activity. Since 1932, there has been a marked revival of use. Not only have a goodly number of states passed amendments proposed by initiative, but there has been a renewed interest in experimenting with the device. States that had not previously used the initiative have discussed its adoption. In 1935, the New York legislature approved an amendment permitting the use of the initiative as a means of amending the constitution.[2] However, the 1937 session refused to repass the measure and thereby blocked consideration for a time. The proposal was revived and submitted to the state constitutional convention in 1938, but failed of inclusion in the propositions submitted to the voters.

Of the two states which have made little or no use of the constitutional initiative, Massachusetts has had a series of initiated amendments under consideration.[3] Nevada remains the only state that has failed to make

[1] Oregon (1902), Nevada (1905), Oklahoma (1907), Missouri (1908), Arkansas and Colorado (1910), Arizona and California (1911), Nebraska and Ohio (1912), Michigan (1913), North Dakota (1914), Massachusetts (1918).

[2] George Hallett, Jr., "The Constitutional Initiative Starts a New Advance," *National Municipal Review*, Vol. 24, pp. 254–257 (May, 1935).

[3] *Massachusetts Law Quarterly*, Vol. 17, No. 2 (Supp.), February, 1932; *Acts and Resolves of the* [Massachusetts] *General Court* (1936), p. 538; *ibid.* (1937), p. 615.

use of the constitutional provision for initiative. Both Massachusetts and Nevada allow the legislature to propose an alternative to the initiative amendment. The procedural difficulties set up for amending the Massachusetts constitution by initiative no doubt account in part for failure to use the method previously. An initiative amendment must be approved by at least one-fourth of the members of the General Court in joint session, at two consecutive sessions. Thereupon it goes to popular referendum and must receive a favorable vote by a majority of those voting.

TABLE I*

INITIATIVE AMENDENTS ADOPTED, 1904–1938

	1904	1906	1908	1910	1912	1914	1916	1918	1920	1922	1923**	1924	1926	1928	1930	1932	1933**	1934	1935**	1936	1938
Arizona					1	2	1	2								1					1
Arkansas					1		1	1				4	1								3
California						3	1		2	2			1			1		6			
Colorado					3	2		1	1	1						1		1		2	
Michigan							1									2					1
Missouri									1				1	1		2				2	
Nebraska							1											2			
North Dakota								7								1					4
Oklahoma				1	1	1													2	1	
Ohio								3									2			1	
Oregon	1	4	3	4	3	2	3		1						1	1	1				

* A list of measures adopted, 1912–26, prepared by Mr. Judson King, of the National Direct Legislation League, and a similar one for 1904–34, compiled by Dr. George Hallett Jr., were of great assistance in preparing this study.

** Special election dates.

The states that have been active in the exercise of the initiative procedure have been those with no special requirements for the promotion of such measures.

The rise and decline of interest in and use of the initiative method gives some indication of the shifting winds of popular pressure-group interests. It also gives rise to speculation as to the real use of the initiative as an escape valve for pressures generated outside the normal legislative channels. The amendments approved since 1932 show some consistency of concern with major problems.[4] Such matters as prohibition and liquor

[4] Initiated amendments adopted, 1932–1938:
1932: Arizona—Legislative reapportionment
California—State liquor control
Colorado—Repeal of prohibition

control, tax limitation, and old age pensions illustrate pressures that have been produced by nation-wide difficulties of recent years.

Some very interesting and significant special subjects have been dealt with by initiative within this same period (1932–38). Among these may be listed Nebraska's experiment with a unicameral legislature, California's state civil service provision and the measure making the attorney-general supervisor of all prosecuting agencies, Missouri's executive budget system, and Ohio's county home rule amendment. Of this group, the Ohio home rule amendment particularly was promoted by a condition of affairs similar to that which produced the initiative as an avenue for political action—a condition of distrust of the legislature.[5] The other

Michigan—State liquor control commission
Tax limitation
Missouri—Executive budget
Regulation of legislative expenses
Oregon—State water and power development
North Dakota—Repeal of prohibition
1933: Oregon—Repeal of prohibition
Ohio—County home rule
State tax limitation
1934: Nebraska—Unicameral legislature
Parimutual betting legalized
Colorado—Restricting use of taxes on automobiles
California—Liquor control amended
Strengthening state civil service
Establishing new system of selecting judges
Attorney-general made law enforcement head
Permitting judges to comment on failure to testify
Permitting pleas of guilty before committing magistrate
1935: Oklahoma—Homestead exemption
Old age relief
1936: Colorado—Old age pensions
Taxation of motor vehicles
Missouri—Conservation commission
Teacher retirement benefits
Ohio—Prohibiting sales tax on food
Oklahoma—Provision for care of needy persons
1938: Arizona—Prohibiting legislators holding appointive office
Arkansas—Tax exemption of new industries
Regulating practice of law
Filling vacancies in public office
Michigan—Prohibition of gas tax diversion
North Dakota—Prohibiting legislators from accepting state employment
Non-partisan election of tax commissioner
Providing for disbursement of state funds
Establishing state board of higher education

[5] See Earl L. Shoup, "Judicial Abrogation of County Home Rule in Ohio," in this REVIEW, Vol. 30, pp. 540–545 (June, 1936).

measures represent significant attempts of citizen groups to work out experimental reforms of state government.

Even the most ardent advocates of the initiative have never held that the device would be used extensively or would supplant other and longer established modes of amending the fundamental law. The initiative has been looked upon as an expedient of last resort, to be used in those instances in which the legislature could not be prevailed upon to move. A detailed analysis of the campaign preceding each initiative amendment would be required to determine whether such has been the function of the initiative in practice. Although it has not been possible to go to such lengths to test the hypothesis, an analysis of the subjects of initiated amendments which have been approved reveals some items of interest regarding the function of the initiative. Inquiry shows that prohibition or liquor control, taxation, and local government have most often been the subjects of successful initiated amendments.[6] Amendments concerning local government more often have been concerned with home rule and the release of local government from state legislative restrictions. Taxation amendments generally have been aimed at the protection of large groups, such as real property owners, or at the embodiment of certain tax plans in the fundamental law where change may be resisted. The first is illustrated by the Ohio tax limitation amendment of 1933. The latter is shown in the Colorado amendment of 1934 which requires that automobile license fees and gasoline tax receipts be used exclusively for highway purposes. In 1938, Michigan voted to prohibit the diversion of gasoline tax funds to any purpose other than highways.

In the normal course of political processes, it may be expected that the legislature will be the channel through which constitutional changes will be formulated. On the other hand, a failure on the part of the legislators to represent the will of their constituencies may produce a number of successful initiative proposals, or it may show an unduly large number of legislative proposals defeated by popular referendum. A study of the voting responses which the voters have made in various states provides partial clues to the real function of the initiative. On the basis of figures available, it would appear that in most states the voters have displayed a tendency to favor those amendments submitted by the legislature.

[6] Initiated amendments adopted, 1904–38, listed by subject and number adopted:

Taxation and indebtedness—21	Legislative reapportionment—3
Prohibition and liquor control—14	Legislative sessions—3
Local government—10	Constitutional conventions—3
Courts and court reorganization—9	Social welfare—3
General state government—8	Schools—3
Initiative, referendum, recall—6	Civil service—2
Restrictions on legislature's power—8	Executive budget—2
Suffrage and voting—5	State lands—2

The task of analyzing the setting in which the initiative has been operated in each state would be one of monumental proportions. Analysis for one state, or for two or three states where comparable figures exist, may provide observations of general interest if related to problems that may be expected to arise in other states. The state of California stands unique in the list in Table II for the number of amendments proposed by both processes. Although Oregon has submitted more initiative proposals to its voters, it lags well back in the number produced by the legislature.

TABLE II

LEGISLATIVE AND INITIATIVE AMENDMENTS, PROPOSED AND ADOPTED, 1904–1938

	Initiative			*Legislative*		
	Proposed	Passed	Per cent	Proposed	Passed	Per cent
Arizona	25	8	.32	31	12	.3870
Arkansas	19	11	.5789	20	10	.50
California	58	16	.2758	204	114	.5588
Missouri*	15	7	.4666	53	10	.1886
Nebraska	6	3	.50	16	13	.8125
North Dakota	16	12	.75	39	27	.6923
Oklahoma	29	6	.2069	36	7	.1944
Ohio	26	6	.2307	23	7	.3043
Oregon	68	24	.3529	90	44	.4888

* Amendments submitted by constitutional convention not included.

Therefore, California has been taken as a special case example for study of constitutional amendments. The constitution of 1879 was drafted under conditions that caused certain groups to translate their fears and desires in terms of constitutional restrictions and directions.[7] A wide variety of groups have sought to achieve a similar security for their own notions of political control by constitutional amendment.

The amending process has been a comparatively easy one in California. From 1879 to 1911, it was necessary merely to pass a proposed measure at one session of the legislature and have it approved by a majority of those voting on the measure at the next election. Distrust of the legislative process through which proposed constitutional amendments were sifted led the Direct Legislation League, the Lincoln-Roosevelt League, and similar reform groups to urge the adoption of the initiative for con-

[7] Carl B. Swisher, *Motivation and Technique in the California Constitutional Convention, 1879* (Claremont, 1930). This contains an excellent account of these conditions.

stitutional amendments as well as for ordinary legislation. It was alleged that the political organization employed by the railroad companies had controlled a working majority of the legislature for years, and thereby had defeated all attempts to determine the policies of the state except as the leaders of the "machine" dictated. In 1911, this second method of amendment was adopted: proposal by initiative petition and approval by popular majority.

TABLE III

AVERAGE VOTE ON MEASURES IN PERCENTAGES OF THE TOTAL VOTE CAST

	California		*Oregon*		*Oklahoma*	
	Init.	*Legis.*	*Init.*	*Legis.*	*Init.*	*Legis.*
1904			.59			
1906			.72			
1908			.76	.72	.87	
1910			.75	.64	.95	.57
1912	.61	.67	.73	.74	.92	.66
1914	.63	.58	.74	.71	.68	—
1916	.82	.62	.77	.71	.87	.82
1918	.67	.55	—	—	—	.96
1920	.78	.73	—	.81	.71	.62
1922	.69	.62	.71	.59	.94	—
1924	.77	.61	—	—	—	—
1926	.74	.70	—	.67	—	.80
1928	—	.64	.70	—	—	—
1930	.76	.68	.78	.70	—	.68
1932	.79	.62	.74	.78	—	—
1934	.69	.59	.85	—	—	—
1936	.72	.60			.85	.79

The constitution of California today embraces a curious intermingling of fundamental enactment and legislative material. Nevertheless, it represents an elaborate structure of political relationships that have evolved over a period of time. These relationships are guarded jealously by a wide variety of groups; so that withdrawal of any substantial matter is very difficult. Vested interests have been established in the constitution by both methods of amendment. The initiative, it would appear, has been accepted definitely as a usable vehicle. Nevertheless, as might be expected, legislative proposals have been adopted more frequently by the electorate than initiated ones. (See Table II.)

The next inquiry would involve some analysis of the evaluation applied by the voters to the initiated and legislative measures. Were the initiative measures regarded as sufficiently important to attract a large vote?

Studies of voting behavior reveal that the voter does not mark every proposition on the ballot. A detailed study of California elections shows that participation tends to be considerably higher on initiative and referendum measures than on amendments submitted by the legislature.[8] A similar study, comparing the average vote on initiative amendments with legislative amendments in three states, shows a like result. (See Table III.) In each state the voters have responded in larger numbers either to defeat or approve initiated measures.

TABLE IV

PARTICIPATION ON MEASURES AT GENERAL ELECTIONS IN PERCENTAGE OF VOTE CAST

Percentage of Total Vote	*California*				*Oregon*				*Oklahoma*			
	Init.		*Legis.*		*Init.*		*Legis.*		*Init.*		*Legis.*	
	No.	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*	*No.*	*%*
95–99.9									6	23.1	2	9.6
90–94.9	3	5.4			1	1.7			7	26.9	1	4.6
85–89.9	1	1.8			2	3.4	2	3.7	3	11.6	6	28.6
80–84.9	10	18.1	1	0.6	9	15.2	5	9.2	2	7.7	3	14.2
75–79.9	11	20.0	12	6.5	13	22.0	8	14.8	1	3.8	2	9.6
70–74.9	5	9.1	24	13.2	15	25.4	16	29.8	2	7.6	—	—
65–69.9	9	16.4	20	10.9	17	28.8	11	20.3	5	19.2	3	14.2
60–64.9	13	23.6	48	26.3	1	1.6	7	12.9	—	—	3	14.2
55–59.9	3	5.4	59	32.4	1	1.6	5	19.2	1	3.8	1	4.6
50–54.9	—	—	16	8.8	—	—	—	—	—	—	—	—
45–49.9	—	—	2	1.1	—	—	—	—	—	—	—	—
	55	100.0	182	100.0	59	100.0	54	100.0	27	100.0	21	100.0

A table comparing the average vote on each type of measure at a given election may be skewed by the existence of one or two measures that call forth an especially high vote, or of a group of technical measures that do not elicit much controversy. A somewhat better comparison is that of the range of spread in terms of percentage of the entire vote cast on each measure. (See Table IV.) Inspection of such a table leads to the same conclusion. It would appear that the subjects of initiated petitions are apt to be matters of deep importance that call forth wide participation.

In those states in which there are sectional differences, or where there are urban-rural conflicts over state-wide matters, a break-down of the

[8] V. O. Key, Jr., and W. W. Crouch, *Operation of the Initiative and the Referendum in California* (Publications of the University of California at Los Angeles in the Social Sciences [Berkeley, University of California Press, 1939]).

voting returns may show some reasons for a larger support of measures based upon economic or sectional interest. In general, state legislatures have been representative of rural constituencies. Reapportionment has failed to give cities representation commensurate with increased population.[9] Hence, in the absence of checks in the initiative law, it might be expected that city groups would turn to the initiative as a means of circumventing a rural-dominated legislature in matters of importance to cities. Four states have attempted to prevent sections or groups from presenting strictly local matters by requiring that initiated petitions shall be signed in a minimum number of counties or districts. Massachusetts permits a maximum of one-fourth the required number of signatures to be gathered in one county. Missouri requires that signatures be obtained from two-thirds of the congressional districts. Nebraska and North Dakota have similar provisions requiring a spread of signatures. In spite of the fact that several sectional cleavages exist in California politics, no serious attempt has been made to require that signatures be recruited throughout the state.[10]

Sectional interest has been typical of the California political set-up for several years. The state is divided by such geographic factors as mountains, rivers, and desert into several areas. Within these areas are economic, social, and political interests that differ from those of other areas. The urban-rural conflict is but one of the cleavages. These sectional difficulties played their most prominent part in the maneuvers to reapportion legislative and congressional districts after 1910. Reapportionment was a troublesome problem in 1911 when the initiative was being considered. Southern California, and especially Los Angeles county, had gained population at a tremendous rate and was enjoying a "boom period." Many of the northern counties had not grown rapidly, whereas the mountain counties had lost population steadily. These mountain counties had been important centers of wealth and population in 1879 when the second constitution was drawn. Changes in mining caused a shift away from these centers—a shift that had set in at least by 1879. Consequently, the representatives of these sections have resisted those changes in the state legal and political institutions that challenge the interests of the thinly populated rural areas or shake the established balance of power in the state government. Given such factors, it might be expected that sectional cleavages would be represented in the voting upon, and the use of, the constitutional initiative.

[9] David O. Walter, "Representation of Metropolitan Districts," *National Municipal Review*, Vol. 27, pp. 129–137 (March, 1938).

[10] Franklin Hichborn, *Story of the California Legislature of 1911* (San Francisco, 1911), p. 85. An extensive study of the regional factors has been made by George W. Bemis in *Regionalism and Sectionalism in the California Legislature, 1911–1926* (Unpublished Ph.D. thesis, University of California, 1934).

In the normal procedure of gathering signatures to an initiative petition, the proponents of a measure will seek to obtain signatures where they may be had with a minimum of effort and expense. Unless there is a particularly sectional issue, the likelihood will be that signatures will be gathered in the three largest urban counties, Los Angeles, San Francisco, and Alameda. In recent years, signatures to initiative petitions have been obtained principally in those three counties. This is due partly to the fact that it is easier to obtain the required signatures in the cities. For that reason, the professional petition circulators find those the best areas in which to work. The professional comes to play a large part as the number of required signatures mounts, thereby making an organized effort necessary in preparing the way to place a measure on the ballot. In 1936, it was essential to obtain a minimum of 186,378 signatures to request placing an initiative proposal on the ballot.

Few clearly sectional divisions have appeared in the voting on initiative measures, although the various sections of the state appear to differ in their voting habits. The clearest sectional division occurred in the 1912 and 1914 elections, when three measures of interest chiefly to the larger cities appeared as constitutional amendments. These had to do with plans for city-county consolidation and for annexation of territory by a city-county. The 1912 proposal was typical of the measures feared by rural groups. The measure had been prepared by representatives from San Francisco and Los Angeles, and was drawn in such a manner as to make it possible for San Francisco to annex the trans-bay communities in Alameda county if a majority of voters in the latter county consented. However, a complicating factor in such campaigns in California is the fact that the three or four major cities almost never line up together on measures interesting any one or two of them. The majorities in the dissenting urban area, when combined with those of the rural areas, are usually sufficient to defeat the proposal. Majorities in Alameda county, aided by the rural vote, defeated this 1912 proposal.

The reapportionment amendment of 1926, which introduced the so-called "federal plan" of legislative apportionment now in effect, revealed a curious line-up in voting. The plan was initiated by rural groups to offset reapportionment plans proposed by the urban groups previously. It limited counties to one representative in the state senate and apportioned the lower house according to population. A coalition of voting strength between San Francisco and rural areas carried the plan, over the opposition of the rapidly growing county of Los Angeles.

Initiative amendments seeking either to prohibit or to regulate manufacture and sale of liquor have produced some consistency of voting behavior in certain groups of counties. California has long had an extensive wine grape growing section where economic motives might be shown in

voting behavior. The urban counties usually joined with this group to return a majority against prohibition. A different group, composed chiefly of small mountain counties, usually favored prohibition. A block of three large southern counties (San Bernardino, Orange, and Riverside) always voted together for prohibition. Nevertheless, the only sectional division that appears to have been at all clear-cut has been produced by amendments pertaining to municipal affairs. The rural counties consistently vote in a body to oppose such initiative proposals. It should be observed in summary, however, that the cities have not been effective in using the initiative as a means of circumventing the legislature and the rural groups represented therein.

A detailed check of the voting upon constitutional measures proposed by initiative in California reveals that agreements among the counties may be as significant as the sectional divisions. Since 1920, 11 initiated proposals have failed in all counties and five have passed in all counties. Such important measures as the state civil service amendment, the executive budget system, and fixed charges for state support of schools have been approved widely.

When election returns show that little concentrated opposition, either geographical or numerical, has been raised to certain successful initiative amendments, speculation as to why the amendments were proposed by the initiative method is in order. Proposing a matter through the legislature would usually involve less expense for the sponsors. Experience in California provides a case example. In 1922, the executive budget plan was submitted to the people by initiative. In 1934, several other measures of far-reaching importance were submitted. None of them incurred any substantial, organized opposition. The executive budget plan was crystallized in the discussions of the Commonwealth Club of San Francisco. With the substantial backing of many non-partisan groups, there was little fear that the plan would be rejected by the legislature. The proposals for revision of the powers of the judiciary and the methods of selecting judges, successfully submitted in 1934, were largely the work of the State Bar Association and associated groups. The plan to increase the power of the attorney-general was drawn up and agreed to by several groups substantially interested in a state-wide plan of law enforcement. Little or no opposition was expressed towards any of those proposals. There was more reason for submitting the state civil service amendment directly to the voters. Although California had had a state civil service system since 1913, the legislature had amended and compromised it until the system was far from adequate. However, aside from such fears, there seems to have been a tendency to disregard the legislature and go directly to the people on some issues. This is founded undoubtedly upon a distrust of the legislative process wherein compromise and amendment may alter

the original plan without improving the technical structure of the measure. When a measure of state-wide importance crystallizes from the study and negotiation of a number of groups in the political scene, there is a tendency among sponsors to submit the proposal to the voters on its merits, without possibility of amendment. The opposing groups that may be effective in the legislature may not be interested in or capable of defeating an entire measure in a popular election.

When the total votes upon initiative measures for the 25-year period 1912–37 are classified by regional groupings, certain generalizations may be made. Southern California, and particularly the urban counties, have approved more initiated measures than any other section. Other urban or semi-urban areas follow closely in the number of favorable votes. The more populous counties, regardless of region, tend to favor initiative measures. Smaller rural and mountain counties vote heavily against them. This behavior tends to lose some of its significance, however, when it is noted that almost precisely the same behavior is produced with respect to legislative amendments. A survey of the subjects voted upon does not indicate any clear reason for the acquiescence of the urban counties or for the conservatism of the rural areas. Voting habits, nonrational elements, must account for much of the result in both extreme cases.

The results of this examination show that, in so far as California is concerned, urban centers do not dominate the initiative process in a way to justify fears of the rural groups that established balances of power will be shaken. From 1911 to 1931, the southern counties of California were badly under-represented in the legislature. Although three reapportionment plans were proposed by initiative, only one, the rural plan, carried. No other initiative amendment proposed during that period could be called strictly one of interest to that locality. In general, it may be said that in operation the constitutional initiative has worked successfully to incorporate only matters of state-wide importance in the fundamental law of the state. Proposals offered by any one group or section usually have not succeeded. Furthermore, "discontent" measures—proposals for remedying social, economic, and political inequalities—are conspicuous for their absence in the "adopted" column.

A strong pressure group has existed in California for defending the initiative law against other groups seeking to alter the procedure or to render it ineffective. The fact that this pressure group has often consisted solely of two men, Dr. John R. Haynes and Mr. George Dunlop, and an impressive letter-head, seems never to have impaired its effectiveness.[11] The Direct Legislation League and its successor, the League to

[11] Frederick L. Bird and F. M. Ryan, *The Recall of Public Officers* (New York, 1930), p. 29.

Protect the Initiative, have been remarkably successful in defending the principle and letter of the initiative in the face of strong efforts to limit or change the method. Attacks upon the initiative have usually proposed (1) to raise the required number of signatures for a petition, (2) to restrict use of the device to measures other than financial, or (3) to place rigid restrictions upon the gathering of signatures. In 25 years, the League has failed to stop but one important measure opposed by it. Whether the initiative has become so much an institution of California political life as to have rendered superfluous the watchful services of the late Dr. John R. Haynes, the chief protagonist of the device, remains to be seen. But in any event, renewed interest in several states appears to give evidence that the initiative has become an accepted instrument for constitutional amendment.

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A List System with Single Candidate Preference. This article is not intended as a criticism of the objectives of proportional representation. The election of the New York City council in 1937 and the seven Cincinnati council elections under the Hare system of proportional representation have undoubtedly resulted in the improvement of the caliber of the legislative bodies in those cities. The aim of this article is to suggest certain rules which may secure some of the advantages of the Hare system without a long and costly count.

The 1937 annual report of the board of elections in the city of New York raised again certain questions regarding proportional representation with the single transferable vote (Hare system) which have concerned students of the electoral process for some time. As compared with certain alternative systems of proportional representation, the Hare plan, with a huge voting population, is expensive, time-consuming, and confusing. Besides, it has encountered constitutional difficulties in many states. In New York City, the cost of the 1937 election of councilmen and count of the ballots under proportional representation was given as $701,632.99.[1]

An examination of the count of the ballots in the five boroughs of Greater New York in 1937 and of the Cincinnati ballots for seven elections shows that if certain assumptions regarding the behavior of the voters are valid, substantially the same results would have been obtained

[1] *Annual Report* [of the Board of Elections], *The City of New York* (1937), p. 45. It has been pointed out to the writer that this sum includes the salaries of two extra clerks who were not absolutely needed at every polling place. The amount is also larger than it might have been if the count had not been prolonged by the system of hiring people at $10 a day for as long as they could make the job last, instead of putting the work on a lump-sum basis.

with a list system providing for a single candidate preference.[2] The list system proposed would operate as follows. Every candidate would be attached to some list. The maximum number of names on each list would be set at the number to be elected where that number is fixed, as in Cincinnati, and at the highest possible number of seats as determined by the registered vote where the quota is fixed, as in New York. All that the voter would have to do would be to vote for one candidate on one of the lists. In the first instance, his vote would count for the list as a whole. This provision would probably avoid some of the legal pitfalls of the single transferable vote plan. In order to approximate the results of the Hare plan, the rule might then be that the candidate receiving the highest number of preference votes should be declared elected, regardless of the number of votes cast for his list. In determining the distribution of seats among the lists, the first step would be to divide the total number of votes cast for each list by the quota. In New York, where the quota is fixed at 75,000, a remainder of 50,000 or more would entitle a list to an additional seat. If the division of the list votes by the quota should not distribute all the available seats, then each of the remaining seats would go in turn to the party having the highest average vote per seat, if it received that seat. This is essentially the rule used in Swiss National Council elections for the distribution of seats among the several parties.[3] After all the seats have been distributed among the several lists, the next step is to select the successful candidates. In this process, the single candidate preferences given by the individual voters are final. The candidates would be declared elected in the order of the size of their preference votes. Thus, if list A were entitled to four seats, the four candidates on that list who received the highest number of single-candidate preference votes would be declared elected.

If the Hare plan were to stop at the count of the first choice ballots, and each first choice were to be regarded as a vote for a list as well as for a candidate, it would not be very different from the system proposed. In a rough way, the counting of each candidate vote as a list vote as well approximates the transfer of votes under the Hare plan.

An actual example will show more clearly how the proposed system would work. The first choice votes in the borough of Manhattan were distributed in the 1937 election as follows:

[2] It has been pointed out to the writer that the psychology of the voters may be different under a list system from under the Hare plan. Under a list plan, a great many people might think that the independents had no chance and would choose between the major party lists. Since no list system has been tried under American conditions, this remains a speculative matter.

[3] H. F. Gosnell, *Why Europe Votes* (Chicago, 1930), p. 126.

Republican	57,270	American Labor	35,549
Democratic	162,622	Socialist	4,824
Fusion	76,086	Others	142,664
Communist	18,354	Total Votes	497,369

According to the provisions of the New York charter, the borough is entitled to six seats, since the total valid vote is six times 75,000 and the remainder is less than 50,000. Since Vladeck, the American Labor party candidate, received the highest number of first choice votes, he would be declared elected under the proposed plan according to the rule suggested above. The next step would be to distribute the five remaining seats among the different lists. Since the Democratic list received more than twice the quota of 75,000, it would be entitled to two seats, and the Fusion list would get one seat. There were two seats left to distribute. If the Democratic party were to receive one of these, it would have an average vote per seat of 54,207 (162,622+3). While this is less than the list vote for the Republicans (57,270), it is more than the average vote per seat that any of the other lists would have if given an extra seat. Therefore, one of these seats goes to the Republican list and the other to the Democratic list. The final distribution of seats, and also the selection of the successful candidates, is exactly the same as under the Hare plan.[4]

The plan suggested departs from the non-partisanship of the Hare system and might be open to some criticism on that account. A closer examination of the realities of New York and Cincinnati municipal politics shows, however, that non-partisanship is a fiction in those two cities. The municipal parties may not be the same as the national parties, but this does not negate the fact that the local groupings are partisan. In Cincinnati, except for the past two elections, the struggle has been between the Charter Committee and the regular local Republican organization. The New York council struggle was between the regular Democratic organization (Tammany Hall and associated organizations) and the anti-Tammany Hall groups which went under such labels as Fusion, Republican, American Labor, and Independent Democratic. Although independents and minor party candidates in New York received in the aggregate nearly one-third of the first choice votes, not one of them was elected.[5] The

[4] Under both plans, the successful candidates would be: Baldwin (Republican), Carroll (Democrat), Nugent (Democrat), Spellman (Democrat), Straus (Fusion), and Vladeck (American Labor).

[5] "New York's First Use of P.R.—A Study in Contrast," *National Municipal Review*, Vol. 27, p. 52 (Jan., 1938). It has been indicated to the writer that the meaning of the word "independent" in this connection is ambiguous. Four members of the New York City Council were elected who did not have the support of the Republican, Democratic, or American Labor party. Three of the four had City Fusion party backing, but it is questionable whether the City Fusion party delivered many

flexibility of the Hare system did these independent candidates no good in the largest count ever conducted under the plan.

How would the municipal parties fare under the proposed plan? Would the results be the same as under the Hare system? It is impossible to give a final answer to these questions, because the task of the voter would be different under the proposed list plan with a single candidate preference. It is conceivable that in New York some of the independent candidates might have joined together to form a slate and in that fashion insure success for certain of their group. However, the transfers show that the independents did not represent any cohesive groups. If we assume that they would not combine, then results of the election as obtained by a hypothetical application of the rules outlined above to the first choice votes would be almost the same as far as the alignment of the Organization Democrats and opposing elements is concerned. The Organization Democrats would receive 12 and the opposition 14. The party line-up in Manhattan, Queens, Bronx, and Richmond would be exactly the same as under the Hare plan. However, a Fusion candidate would replace a Democrat in Brooklyn.

What results would this list plan have given in the seven elections held in Cincinnati? As far as control of the council is concerned, the results would have been exactly the same as under the Hare plan for every election with the possible exception of that in 1937. At this last election, the line-up under the Hare system was four Charterites, four Republicans, and one Progressive. If we assume that there was no cohesion among the independents who polled 18 per cent of the first choice votes, then the list result would be four Charterites and five Republicans. If we assume that the independents might have combined, i.e., that the Roosevelt Democrats and the Progressives might have joined to form a slate, the result would have been the same as under the Hare plan. However, such an assumption would not be warranted on the basis of the transfers made. Only two per cent of the transferred Progressive vote went to Roosevelt Democrats, and only 13 per cent of the transferred Roosevelt Democrat vote went to Progressives.

It is apparent from an examination of the result sheets for the New York and Cincinnati elections that the *party* result under the list plan would be practically the same as under the Hare plan. Would the same *candidates* be elected? Would the system give the voters the same freedom of choice that they have under the Hare plan? Again, it is impossible to

votes. It may be that these members were elected on their individual merits rather than as representatives of the City Fusion party. Only in Queens did the City Fusion party have a well-developed organization. In this same borough, James A. Burke, who headed the poll, represented one wing of the Democratic party, but he had no party designation after his name.

give a conclusive answer, but the evidence indicates that there would be comparatively few changes in personnel under the list plan. In New York City, 24 out of the 26 councilmen elected would be the same.

It might be interesting to consider why the list system replaced two of the successful candidates with others. In Brooklyn, a Fusion candidate replaced a Democrat because a fifth seat given to the Democratic list (total votes, 220,600) would give it an average vote per seat which was less than that of the Fusion list if it were given two seats (total Fusion votes, 89,887). In other words, the Democratic quotient at this stage of the seat distribution was 44,120, whereas the Fusion quotient was 44,943. The Fusion candidate elected by the list method, Mr. Butler, received only 14,883 first-choice votes as compared with 18,367 first-choice votes received by Schanzer, the Democratic candidate, who won under the Hare plan. But it must be remembered that under the list plan Schanzer's votes were counted toward the election of other Democratic candidates. The Democratic list was given four seats, even though its total was slightly under three times the electoral quota, because with these four seats its average vote per seat ranked seventh, with two more seats to be distributed. If the choices presented to the voters had been more limited, as they would naturally be under the list plan, the results of the systems would probably have been closer. Five Democrats were elected under the Hare plan, because the Democratic candidates received more of the transfers from the independents and others than did the Fusion candidates. The Brooklyn ballot, with its 99 names, was hardly an easy ballot to mark. Some method for narrowing the field of candidates would help bring about more discriminating voting.

In Queens, and in the Cincinnati elections with the exception of the 1935 election, the list system replaced one party representative with another representative from the same party. This happened because the first-choice votes did not in all cases indicate the popularity of candidates as second, third, and other choices of the voters. In general, however, the first-choice votes are an excellent guide. We have already seen that the first-choice votes in the New York City count selected 24 out of the 26 councilmen. In the seven proportional representation elections held in Cincinnati, the first choice votes indicate accurately 55 out of the total of 63 councilmen elected. To put it in other words, in seven-eighths of the cases, the first choices are likely to indicate all that can be obtained from an elaborate transfer of ballots.

While the proposed list system with single candidate preference does not have the flexibility of the Hare plan, it has other advantages. The superiority of the Hare plan over the old ward system is not questioned here, but as far as group representation is concerned the list plan would in theory be quite as just as the Hare plan. The added "partisanship" of

the list plan probably would not exceed the realities in the cities using the latter. As noted, the success of the Hare type of proportional representation may be due, in practice, to the work of municipal parties such as the Charter Committee in Cincinnati. In New York City, the list system could be operated with no special preparation or additional expense. It would not be necessary to devise special voting machines, or to use separate ballots.[6] The requirement that candidates be grouped by lists would be an aid to the voter. In the 1937 election, for example, voters in Brooklyn were confronted with an almost impossible task. In addition, the experience of New York City in that election shows that independent candidates have comparatively little chance with an electorate totaling more than 300,000.[7] Under the list plan, the voters would have to choose only one candidate, the best man from the group which they favored most. The results of the election would be known shortly after the single-preference votes had been counted. It is urged that the proposed system would probably lessen constitutional difficulties, simplify the task of the voter, save the expense and delay of the Hare count, and give substantially the same results.

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Organization of the Executive Branch of the National Government of the United States: Changes between April 26 and May 31, 1939.[1] As in previous lists, mention is here confined generally to units specifically au-

[6] Some years ago, the writer anticipated the recent activity of the business machine companies in connection with the count of ballots under the Hare plan. See his "A New Method for Counting Proportional Representation Ballots," *National Municipal Review*, Vol. 14, pp. 397–398 (July, 1925).

[7] The Irish Free State had a similar experience with the Hare plan when it tried to use it for the country as a whole. See H. F. Gosnell, "An Irish Free State Senate Election," in this REVIEW, Vol. 20, p. 117 (Feb., 1926).

[1] In the December, 1933, issue of this REVIEW, pp. 942–955, appeared a tabular review of the changes in major units of the national government between March 4 and November 1, 1933. Supplementary lists have appeared in the following issues: April, 1934: changes between November 1, 1933, and March 15, 1934; October, 1934: changes between March 15 and June 30, 1934; February, 1935: changes between June 30 and December 15, 1934; August, 1935: changes between December 15, 1934, and July 5, 1935; October, 1935: changes between July 5 and August 12, 1935; December, 1935: changes between August 12 and October 15, 1935; June, 1936: changes between October 15, 1935, and April 15, 1936; October, 1936: changes between April 16 and July 31, 1936; August, 1937: changes between August 1, 1936, and May 31, 1937; February, 1938: changes between June 1 and November 30, 1937; August, 1938: changes between December 1, 1937, and May 31, 1938; October, 1938: changes between June 1 and July 15, 1938; June, 1939: changes between July 15, 1938, and April 25, 1939.

thorized by law or established by the President by executive order or Reorganization Plans under general authority vested in him. Changes in units created by heads of departments or independent establishments are excluded unless of major importance.

The changes provided for in Reorganization Plan No. 1, described in the June issue of the REVIEW, were made effective July 1, 1939, the beginning of the new fiscal year, by Public Resolution No. 20, 76th Congress, approved June 7, 1939, which superseded the standing provisions of the Reorganization Act of 1939 (Public No. 19, 76th Congress), approved April 3, 1939.

Reorganization Plan No. 2, transmitted to Congress on May 9, 1939, provided for the following changes, which also became effective on July 1, 1939, under the provision of Public Resolution 20:

American Printing House for the Blind. The functions of the Secretary of the Treasury with respect to administration of appropriations for the American Printing House for the Blind are transferred to the Federal Security Agency.

Biological Survey, Department of Agriculture. Transferred to the Department of the Interior, together with all functions of the Secretary of Agriculture relating to the conservation of wild life, game, and migratory birds.

China Trade Act Registrar. Such officer of the Foreign Service as the Secretary of State shall make available may be authorized by the Secretary of Commerce to perform the duties of China Trade Act Registrar under the direction of the Secretary of Commerce, who has heretofore appointed the Registrar.

Codification Board. Abolished and its functions transferred to the Division of the Federal Register of the National Archives. The Board, which is *ex officio*, was established by the act of June 19, 1937 (50 Stat. L., 340) to codify administrative regulations of general applicability and legal effect.

Consumers' Counsel of National Bituminous Coal Commission. Abolished and functions transferred to office of the Solicitor of the Department of the Interior.

Director-General of Railroads (Railroad Administration). Office abolished and duties transferred to the Secretary of the Treasury, who was designated Director-General of Railroads by proclamation of December 14, 1925. This agency is in process of liquidation.

Federal Prison Industries, Inc. The corporation and the board of directors are transferred to the Department of Justice.

Fisheries Bureau, Department of Commerce. Transferred to Department of the Interior, together with the duties of the Secretary of Commerce re-

lating to fur seals, to the supervision of the Pribilof Islands, and to the Whaling Treaty Act.

Foreign Agricultural Service (*agricultural attachés*). Transferred to Department of State from the Department of Agriculture. The compilation, publication, and dissemination of information remain in the Department of Agriculture.

Foreign Commerce Service (*commercial attachés and trade commissioners*). Transferred to State Department from Bureau of Foreign and Domestic Commerce of the Department of Commerce. The compilation, publication, and dissemination of information remain in the Bureau of Foreign and Domestic Commerce.

Foreign Service Buildings Commission. Transferred to the Department of State, the Commission to exercise only advisory functions. The Commission, which is *ex officio*, has heretofore been integrated with the Department of State. Its province is "to consider, formulate, and approve plans and proposals for the acquisition of sites and buildings" for diplomatic and consular officers.

Inland Waterways Corporation. Transferred to Department of Commerce. The Corporation has heretofore been under the Secretary of War, and not under the War Department. The Secretary of Commerce is substituted for the Secretary of War as the incorporator of the Corporation.

Insular Affairs Bureau, War Department. Abolished and duties transferred to Division of Territories and Island Possessions of the Department of the Interior.

Lighthouses Bureau, Department of Commerce. Transferred to the Coast Guard of the Treasury Department.

Mount Rushmore National Memorial Commission. Transferred to National Park Service of the Department of the Interior. The functions are divided between the Commission and the National Park Service.

National Bituminous Coal Commission. Abolished and its functions transferred to the Secretary of the Interior, who may place them under such unit of the Department of the Interior as he may determine. The Commission has heretofore been nominally under the Department of the Interior.

National Emergency Council. Abolished and functions transferred to the Executive Office of the President with the exception of the Radio Service and the United States Film Service, which are transferred to the Federal Security Agency, where they will be administered by the Office of Education.

National Training School for Boys. Transferred to the Department of Justice and the Board of Trustees abolished. The school is located in the District of Columbia and is used for delinquent boys committed by the courts.

Rural Electrification Administration. Transferred to the Department of Agriculture.

War Finance Corporation. Abolished and duties transferred to the Treasury Department. The Secretary of the Treasury is to complete the liquidation of the Corporation not later than December 31, 1939. The liquidation of the Corporation and the winding up of its affairs were transferred to the Secretary of the Treasury by the act of March 1, 1929 (45 Stat. L. 381).

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Reorganization of the Government of the District of Columbia. Since the passage of the act in 1878 which established the present government of the District of Columbia, official and semi-official bodies have several times suggested reorganization of that government. In the District of Columbia Appropriation Act of 1940, Congress authorized the House and Senate committees on the District to obtain secretarial assistance in examining previous surveys with a view to selecting recommendations that would "effect a more efficient and economical handling" of District affairs.

The District committees chose for the purpose the well-known firm of consultants in public administration, Griffenhagen and Associates; and the results of its investigations will be found in a House committee print, *The Organization of the Government of the District of Columbia; Suggestions for Simplification and Modernization in the Administrative Structure* (pp. vi, 86).

Although numerous studies of the government of the District have been made, the consultants found that only two gave special attention to organizational matters, i.e., (1) *The Government and Administration of the District of Columbia; Suggestions for Change*, by Laurence F. Schmeckebier and W. F. Willoughby, published in 1929 by the Institute for Government Research of the Brookings Institution, and (2) a mimeographed report made by the Citizens' Efficiency Committee in 1937 for the use of the District Commissioners.[1] Although the recommendations contained in these surveys were used as bases for their own proposals, in numerous instances the consultants had to make recommendations on their own initiative. The result is that the *Suggestions for Simplification* constitutes an independent set of proposals.

The report is concerned essentially with three matters: (1) a detailed

[1] In 1934, the Senate committee on the District of Columbia put out a seven-volume study of the organization and functions of the District's government. This report, however, contained no recommendations, confining itself to formal description.

description of the existing administrative organization of the government of the District; (2) weaknesses and deficiencies of the existing organization of government; and (3) suggestions for simplification and modernization in the administrative structure.

Defects in the administrative organization of the District government are grouped under five heads: complexity and indefiniteness, illogical allocation of functions, division of powers among different government authorities, disunity and absence of a practical basis of coördination, and confusion of managerial and deliberative functions. Space prevents a detailed discussion of each of these defects. Suffice it to point out by way of illustration that the public recreational activities in the District are now being carried on by five independent official agencies. To effect a greater degree of coördination among these, a coördinator was chosen. The coordinator, in turn, established two coördinating committees to coördinate the activities of the five recreational agencies! The so-called Engineer Department, under the nominal headship of the engineer commissioner, it was found, consists of six independent departments, each with a director.

The detailed proposals for the reorganization and simplification of the government of the District are to be found in a bill prepared by the consultants and published as a House committee print. The bill departs somewhat from the suggestions contained in the report, the reason being that several weeks elapsed between publication of the report and printing of the bill, and during the interval the reorganization plan was subjected to vigorous public discussion in the press and by citizens' associations, for which Washington is conspicuous. The report, for instance, made no proposal for a mayor, but the bill provides for one. For the most part, however, the bill follows rather closely the recommendations in the report, and the resulting plan may be summarized as follows: (1) The Board of Commissioners of three members to be replaced by a council of seven members, either appointed by the President with the consent of the Senate or popularly elected. (2) A mayor and a vice-mayor to be chosen by the District council; the mayor to act as official head of the District government for ceremonial purposes, to be the leader of the council in the development of policies, and to sign all ordinances and resolutions adopted by the council, but with no power of veto. (3) A district administrator to be chosen by the District council at a salary of $15,000 a year, and charged with directing and controlling the activities of the administrative departments and with selecting and removing the directors of departments. (4) Seventeen administrative departments to replace the present 65 agencies of the District government. These suggested departments are: finance, personnel, revenue, law, education, libraries, police, fire, public utilities, insurance, occupational standards, labor, health, public welfare, public works, parks and recreation, and title records. The con-

sultants propose a complete departmentalization of the District's administrative services, each under the control of a director. Such boards and committees as are suggested are to exercise advisory and investigational functions only. (5) The municipal court, the police court, and the juvenile court to be combined into one municipal court.

A much larger measure of home rule is suggested for the District. The proposal takes two forms. On the one hand, it is recommended, within the limits fixed by the Constitution,[2] that Congress equip the District not only with certain powers specified in the bill, but also with "all municipal powers that may be reasonably necessary and proper for the government . . . of its inhabitants and its local affairs." On the other hand, certain functions now performed by the federal government for the District would, under the suggested plan, be transferred to the District administrative departments—chiefly parks, personnel administration, acquisition of land in the District for parks, parkways, and playgrounds, and preparation of the budget.

As indicated above, the "Griffenhagen plan" has been subjected to vigorous discussion by various interests in the District. With the exception of one morning newspaper, the press has given it only lukewarm support. The Federation of Citizens' Associations has expressed itself in favor of the plan in principle, but has taken exception to some of the specific recommendations, e.g., the proposal to constitute a department of education under an "administrator." District officials, for the most part, have expressed opposition to the plan, and the Commissioners have presented the House committee with an alternative plan based largely on the earlier report of the Citizens' Efficiency Committee. Nine main departments are proposed, but some 40 present administrative agencies are left untouched. It is understood that President Roosevelt has indicated his dissatisfaction with the present District government and has shown an interest in the proposal to have a single administrator. Other matters of national and international import, however, have absorbed the time and energies of the President, with the result that he has found little opportunity to give the Griffenhagen plan detailed attention.

In short, the proposed reorganization is experiencing the treatment commonly accorded suggestions for efficient public administration. Everybody agrees that something should be done, provided this "something" does not adversely affect present office-holders or those outside interests which have received favors from the established administrative organization.

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[2] It will be recalled, of course, that the Constitution vests Congress with power "to exercise exclusive legislation in all cases whatsoever over such district . . . as may . . . become the seat of government of the United States (Art. I, sec. 8).

The Summer Schools and Other Educational Activities of the British Conservative Party.* The British Conservative party recommenced its normal activities after the party truce of the World War years in fundamentally different circumstances. The electorate had been vastly expanded, and the Conservatives faced a formidable new opponent in the Labor party. There was danger that the mass following of the party might be lured away by this new opponent, and there was the necessity of gaining the allegiance of a large number of the new voters.

These tasks of holding the old adherents of the party and gaining new recruits were assigned in large measure to labor committees, widely organized as an integral part of the constituency organizations, and the Central Labor Committee which was set up as a subcommittee of the executive council of the National Unionist Association. The name chosen for these organizing committees was a recognition on the part of the Conservatives of the new importance of labor which was the result in Great Britain, as in other countries, of the loyal war services of the masses. The great army of wage-earners had become conscious of its own importance, and was rapidly becoming politically articulate; unless the Conservative party acted quickly, it was in danger of being engulfed in a rising tide of labor politics. Of course, the Conservatives could rely upon the innate conservatism of the British people as a protection against a general acceptance of Marxist philosophy, and against a too violent swing to the left. Nevertheless, it was felt that some positive action was necessary to meet the challenge of the Labor party.

The answer seemed to appear in one word—education. If some knowledge of orthodox economics could be imparted to the people, it was believed that they would not fall into the heresy of socialism. If the people could be educated in the history of their own country and in Conservative principles, they would have an effective antidote against what were regarded as alien doctrines. The Conservative general staff of the early postwar years had a wholesome respect for the educational activities of the various Socialist groups and of nonpartisan workers' organizations, such as the Workers' Educational Association, coöperative societies, and trade unions. Conservative organizers believed that these agencies were constantly pouring forth a stream of working-class people educated, or partly educated, in economics and political doctrine of a leftist bias, and trained to pass it on to their fellow workers in glib speeches on street corners or at

* This article is based mainly on research and observation in Great Britain as a fellow of the Social Science Research Council. Grateful acknowledgment of the financial assistance received from this source is hereby made. The writer wishes also to acknowledge his debt to many agents, secretaries, and employees of the Conservative party who kindly gave him information and assistance.

factory gates. Such persons were recognized as particularly effective propagandists in the labor cause. Naturally, the Conservatives recognized their need for a similar corps of party workers, educated in their own party bias. The labor committees enthusiastically undertook this task of education, and employed as means to that end summer schools, week-end schools, lecture courses, study circles, and speakers' classes, as already adapted for political purposes by certain Socialist groups.[1]

The first Conservative summer school was held at St. Ninians, Moffat, Scotland, during a fortnight in August, 1920, under the joint auspices of the Scottish Unionist Association and the Labor Committee of the Conservative Central Office. About 100 students were in attendance, principally wage-earners assisted by scholarship grants from party organizations, but including also representatives of other social classes. The course of study in this school consisted of a series of lectures on constitutional history and another on economics. The recreational life consisted of excursions in the country, tennis and other sports, cards, and concerts.

The summer school of 1921 was organized under the same sponsorship to meet at the University of St. Andrews for two terms of a fortnight each in July and August. Each term was attended by about 100 students, again drawn largely from the working class. The pattern of work and play in this school was substantially that which has been followed in all subsequent Conservative summer schools. There were two resident lecturers in each term, one to give a series of lectures on constitutional history, and the other on economics or a political subject. The day's routine began with two lectures in the morning, each being followed by a half-hour period for questions by the students. The early part of the afternoon was devoted to recreational activities, but the students were expected to assemble after tea for tutorial classes in which the material of the lectures was simplified and amplified. The evenings were devoted to special lectures, political demonstrations, concerts, dances, and the like. All the early summer schools were coeducational, and the students were housed and fed on the premises.

The lecturers in these early summer schools were drawn from the university staffs. Among them were Professors Sir J. A. R. Marriott, Sir William Ashley, D. J. Medley, and F. J. C. Hearnshaw. The appearance of these names on the programs of the schools was a guaranty of serious purpose and of the avoidance of the excesses of partisanship. Nevertheless, the purpose of the schools was expressed at the time as the recruiting and

[1] The work of the Labor groups has been described in "The Summer Schools and Other Educational Activities of British Socialist Groups," in this REVIEW, Vol. 30, pp. 956–974 (October, 1936). See also "The Summer Schools and Other Educational Activities of the British Liberal Party," *ibid.*, Vol. 31, pp. 703–719 (August, 1937).

training of active party workers, particularly in the laboring class, and it was noted with satisfaction that a number of the students became speakers for the labor committees after receiving their training.[2]

No summer school was held in 1922, but the labor committees continued their other educational activities. Speakers' classes, for the purpose of imparting information upon questions of the day to party workers and providing instruction in the art of public speaking, were given as early as 1920. Series of educational lectures by persons of academic standing were offered in different parts of the country.

The subsequent history of the summer schools was to be profoundly affected by the fact that the early meetings attracted the attention of the late Sir Philip Stott, architect and cotton entrepreneur. He visited the first school in 1920, giving a dinner for the English and Welsh students. At the forty-ninth annual conference of the National Unionist Association in 1921, he sponsored a motion calling for retention of the summer schools as a permanent part of the program of the party; in the summer of the following year, he offered the Central Labor Committee the use of a large country house as premises for a residential college. The offer was accepted, and Sir Philip Stott proceeded to furnish and equip the house for the accommodation of students and staff. The Committee raised a fund for the operation of the school, and arrangements were completed so that it could be opened for the first term on April 28, 1923.

The premises thus provided consisted of the fine mansion and grounds known as Overstone Park, situated about five miles northeast of Northampton, on the road to Kettering. A lake within the estate was available to the students for fishing, boating, and swimming. Other outdoor recreational facilities included tennis courts, a putting course, a bowling green, and a cricket field. The house was altered to provide several luxurious common rooms, a lecture hall, classrooms, and sleeping accommodations for eighty men and forty women. A whole floor was set aside for the latter, the sleeping quarters being divided into small cubicles. Students were charged an inclusive fee of £7 each for a two-weeks' course. The establishment was appropriately given the name of Philip Stott College.

The college was managed jointly by the founder and the Central Labor Committee, which later became the Educational Department of the Conservative Central Office. The administration was directly in charge of a warden, a resident director of studies, and a resident tutor. As in the early summer schools, the lecturers were recruited from the universities.

[2] On the early summer schools, see the reports of the annual conferences of the National Unionist Association; *Conservative Agents' Journal*, Nos. 15 n.s. (September, 1920), 24 n.s. (June, 1921), 27 n.s. (September, 1921), and 28 n.s. (October, 1921); *Popular View, or Home and Politics*, Nos. 2 n.s. (June, 1921), 12 n.s. (April, 1922), and 23 n.s. (March, 1923); *Conservative Clubs Gazette*, Vol. 26, No. 329 (August, 1922).

In the summer of 1923, Philip Stott College was kept open for five months, the whole period being divided into eleven courses of two weeks each. Two lecturers were present during each course, one giving a series of ten lectures on constitutional history and the other on some economic or political subject. Each day's session was opened by chapel, and the morning was occupied with two lectures and the question time allowed after each. The afternoons were free for recreational activities, except that the students were assembled for tutorial classes before dinner. The evenings were devoted to lectures of general interest, games, impromptu speaking, and other activities. There were no educational requirements on Saturdays and Sundays.[3] In 1924, the curriculum was broadened by including a class in public speaking which met three afternoons a week, at which the attendance of students was not compulsory. Later, two canvassers' classes were given each week, alternating in the afternoons with the speakers' classes.

Each course was regarded by the managers of the school as an intensive training in citizenship. The purpose was not to impart to the students stock arguments for the Conservative cause, but to give them a knowledge of the social sciences which would enable them to take a more effective part in public affairs. At the same time, there was no intention so to overload the program of the school as to destroy the vacational aspect. Considering the brevity of the course and the desire to combine political education with play, it was realized that the students could be expected to do little while in residence in the way of reading and essay-writing. Each student was, however, upon the receipt of his application for admission to a course, provided with a syllabus of the lectures and reading lists set by the lecturers. The students were advised to complete their reading before coming to the school.

Philip Stott College speedily attracted much attention in Conservative circles. Frequent visits by Mr. Stanley Baldwin (as he then was) and other party leaders advertised the school and recruited students for it. Many party organizations and wealthy individuals set up scholarship funds, in the award of which there was an element of competition. Special efforts were made to attract young people of the working class to the school, as it was felt that the party was in danger of failing to obtain the allegiance of a sufficient number of such persons. Members of other social

[3] Accounts of the origin and early arrangements of Philip Stott College may be found in the following: *London Times*, March 29, April 4, September 26, 27, and 28, 1923; *Home and Politics*, No. 23 n.s. (March, 1923); *The Conservative Woman* (Leeds), Vol. 3, No. 40 (March, 1923); and the original prospectus. Subsequent developments may be traced in the files of the same publications, the reports of the annual conferences of the National Unionist Association, *Conservative Clubs Gazette*, *Conservative Agents' Journal*, and *The Imp* (magazine of the Junior Imperial League, beginning in May, 1925).

groups were also invited to attend, and ex-students constantly testified to the democratic mingling of all social classes in the school. Nevertheless, it seems plain that the general educational courses were attended primarily by persons of the wage-earning group. The sponsors of the school felt that they were compensating in a small way for the lack of educational advantages beyond the elementary school for young people of low income, and they were also anxious to attract such persons to the party by providing a pleasant vacation, often at no cost. The propagandist value of a sort of public school atmosphere was appreciated to the full. The ex-students were encouraged to join the numerous "Old Overstonian Clubs," and to undertake active work as speakers or canvassers for the party, or to seek positions of influence in the trade unions and coöperative societies.

Dissatisfaction soon arose as to the results shown by this training. Charges were brought that the school was not producing a supply of party workers. The academic character of the instruction and the avoidance of partisanship were matters of pride to those immediately in charge, but the critics wanted quicker results in turning out party propagandists. The sentiment grew that the school was too much concerned with first principles and not enough with the current problems of the day. The students were thus ill-equipped to meet Socialist propagandists on their own ground. On behalf of the school, it was said that twelve members of the Parliament elected in 1924 were ex-students, and that many other ex-students had served the party as candidates, speakers, canvassers, and organizers.

To meet the criticism that the instruction was not practical enough, the management of Philip Stott College began in its fourth session (1926) to organize special courses of a week's duration each, designed to appeal to certain classes of party workers. In these courses, the lectures were more numerous; and while delivered for the most part by university professors, they were given a more practical turn. The first of these special courses was given at Easter, in early April, 1926, and was reserved for members of the Young Conservatives' Union.[4] Later in the same year, a demand arose among the Conservative agents for courses at the Philip Stott College. Two such courses were offered in 1927, restricted to party agents and aspiring agents. With this beginning, special courses or conferences for agents have been a regular part of the activity of the Conservative college. These assemblies enable the agents to exchange experiences and opinions. In 1927, other courses were set aside for women

[4] *London Times*, February 13 and April 3, 1926. The Young Conservatives' Union was a newly formed organization of young activists, especially interested in social reform and desirous of giving party and social service. See *ibid.*, February 17, 1924.

secretaries and organizers, members of the Junior Imperial League, and trade unionists and coöperators.

The special courses were usually only one week in duration, and the balance of the summer term was, as before, divided into general educational courses of two weeks' duration. An attempt was made at this time to render the general courses more interesting and of greater practical value to party workers. The lectures were made to cover a wider range of subjects and to deal with more up-to-date matters. Besides constitutional history and elementary economics, which had formed such a large part of the curriculum up to this time, such subjects as the economics of socialism, industrial legislation, the coöperative movement, trade unionism, and agriculture began to appear in the prospectuses of the school.

Attendance at the school increased during its first three sessions. With 500 students in 1923, 900 in 1924, and 1,100 in 1925, it had reached a total of 2,500 persons. The attendance fell off sharply in 1926, the year of the General Strike, but increased again in 1927. More than half of the students were women. Few students ever returned for a second course, except agents and organizers, who frequently returned for their annual conferences. Since the capacity of the school was over 100 students for each course, it could have accommodated a total of about 7,000 during its first five years, but only some 4,000 actually attended. Difficulty was experienced in that the courses of the spring and fall were poorly attended, while those of July and August tended to be overcrowded.

The dissatisfaction with the impractical character of the instruction and the failure to attract capacity attendance came to a head in 1928. In a public address, Sir Philip Stott characterized the school as a downright failure, and expressed his deep disappointment with its work.[5] Other persons who had been connected with the work of the school hastened to defend it, pointing out that after all the school had reached a large number of persons and that its graduates had done excellent work in helping to win elections. But Sir Philip's attitude made a reorganization necessary. He himself withdrew from the management of the school, and full control and responsibility were brought into the hands of the party. The newly created Conservative and Unionist Educational Institute (concerning which more will be said presently) was put in charge, and for the first time a resident principal, Major-General Sir Reginald Hoskins, was appointed. A resident political tutor was also added to the staff. Most of the courses in the session of 1928 were designated as "political," with stress laid on the more immediate political needs of the students; while only two courses were described as "educational," that is, planned for students wishing to carry on their higher education. Reorganized in this way, the Philip Stott College completed the session of

[5] *London Times*, May 21, 1928.

1928. But its founder withdrew his support, and the first experiment of the Conservative party with a residential college for the training of party workers came to an end.

In the meantime, various educational agencies designed to reach a larger public had been developed by the Conservative party. Beginning with a few lecture courses offered by the labor committees in the early 1920's, and scattered tutorial classes, speakers' classes, and study circles organized by different bodies—all calculated to increase the party's staff of speakers and canvassers for electoral work—the party rapidly developed a network of educational agencies which reached many parts of the country. It was realized that, at best, the courses at Philip Stott College could reach only a relatively small number, and that the courses were perhaps too brief to make a permanent impression upon those who attended them. What was needed was an extensive program that would take education right down to the rank and file in the constituencies, and that would be continuous throughout the winter months. Thus it was hoped that the party would reach, not merely a few hundreds at Philip Stott College, but thousands all over the country.

Conservative party organizers were convinced that most of the existing, and presumably nonpartisan, agencies of adult education were conducted with an essentially Socialist bias, and were, by the middle 'twenties, reaching about 125,000 persons each year. The people's thirst for knowledge and the demand for post-school educational opportunities were constants which no one denied. Circumstances seemed to dictate that the party should itself become an agency of adult education, and that it should make a fight for a fair hearing for its policies.[6]

In 1925, there was set up in the Conservative Central Office an Educational Committee, superseding the Central Labor Committee and taking over what had been its principal function, and the process was started of displacing the local labor committees with educational committees of each local association. The Central Educational Committee was not provided with a large field staff to carry its work into the constituencies, but it had a few trained persons to send out as leaders of speakers' classes in some places. It relied mainly upon recruiting competent local persons as educational leaders and arranged to provide them with materials to make their task easier. Synopses of fifteen different lecture courses were prepared at the Central Office and sent out, together with reference materials, to local leaders. These lecture courses, consisting of three, six, or twelve lectures each, covered a wide range of subjects—elementary

[6] See especially, among many statements of this line of thought, John Buchan (Lord Tweedsmuir), "The Conservative Educational Institute and Its Mission," *Conservative Clubs Gazette*, Vol. 32, No. 398 (May, 1928). See also *Handbook and Directory of Adult Education, 1928–1929*, p. 115.

lectures on socialism, communism, nationalization, economics, and the constitution; more advanced courses on the fallacies of socialism, the constitution, history, economics, monetary theory, Empire preference, and other subjects. The local leaders were expected to use these materials to conduct a lecture course or a study circle. During the first winter of its program, the Educational Committee claimed to have sponsored 600 lecture courses which reached an estimated 12,000 persons;[7] and a considerable increase in these numbers was claimed for the second winter's season.[8]

In the fall of 1926, the Educational Committee expanded its program by adding five correspondence courses in political and economic subjects, which were offered to individuals at a fee of one guinea each. A few months' experience resulted in a reduction of the fee by one half, but this change did not save the experiment with correspondence study from early failure.[9] For its third year's work (1927–28), the Committee developed study circle material on new topics—local government, industrial history, a biographical study of twelve great British statesmen, current literature, and current drama. Some of these courses indicate the assumption by the party of responsibility for the general cultural, and not merely the political, interests of its members.

Early in 1928, the Educational Committee of the Central Office was given an elaborate new organization, and its name was changed to the Conservative and Unionist Educational Institute. This body had an executive committee of eminent personages, and a full-time executive director. It fell heir to the whole range of educational activities of its predecessors, including, as has already been noted, the Philip Stott College. Funds were placed at its disposal for a vast expansion in the educational program of the party. The scheme was to extend the network of study circles and lecture courses still more widely, and to develop these as the elementary schools to feed a capacity student body into Philip Stott College—which was slated in turn to be transformed into the "Conservative University."[10]

The Institute, however, was short-lived. It did not show results commensurate with its cost. The educational department of the Central Office was soon returned to the status of a committee, that is, a subcommittee of the executive council of the National Union of Conservative and Unionist Associations. Since this time, the party has not attempted an

[7] *London Times*, November 23 and 24, 1926.

[8] *Report of the Council of the National Unionist Association to the Fifty-Fifth Annual Conference . . . 1927*, p. 49.

[9] A demand was made in the annual conference of 1934 for the revival of correspondence study. See *London Times*, October 6, 1934, and March 28, 1935.

[10] A similar scheme had been bruited within the Independent Labor party a little earlier.

undue centralization of its educational activities. It has been content to leave the main responsibility with its constituency and regional organizations, its women's and young people's auxiliaries, and other affiliated bodies. More will be said of the work of these numerous organizations, but it is desirable at this point to return to the development of the permanent residential college.

Before the Conservative party lost the use of Overstone Park as an educational center, another more commodious and better situated estate was placed at its disposal. The donor was the late Urban Broughton, a metallurgical engineer, who gave the party £100,000 for the purchase of premises to be used as a college and for the permanent endowment of the same. With a part of this sum, the chairman of the party organization purchased historic Ashridge Park, located near Berkhamsted, Hertfordshire. The splendid mansion, built in the early nineteenth century, was re-equipped in a modern manner, and its state rooms were transformed into lounges, a library, and a lecture hall. Sleeping accommodations were provided for about 150 persons. The eighty acres of grounds include a cricket field, a golf course, tennis courts, an open air swimming pool, and the fine gardens which are one of the show places of the English countryside.[11] Title to these premises is vested, not in the Conservative party, but in the Bonar Law Memorial Trust, the governing body of which is made up of the leader and the chairman of the organization of the Conservative party as *ex officio* members and other prominent Conservatives. One of the purposes of the donor was to honor the memory of Andrew Bonar Law, the Conservative leader of the early post-war years. In his memory, the school is called the Bonar Law College, but is commonly referred to as Ashridge College.

At a ceremony attended by Stanley Baldwin and other Conservative leaders on July 1, 1929, Ashridge was inaugurated as the permanent training school of the party. The first fortnightly course opened a few weeks later, on August 3. Ashridge College carries on the traditions of Philip Stott College, but attracts more students, offers a much more varied program of instruction, and is in general more successful than the earlier school. Ashridge is more than a summer school; it is operated almost continuously throughout the year. The general educational policy is under the direction of a committee, several of whose members are also governors of the proprietary trust, and the principal, General Hoskins, who had held a similar post in Philip Stott College. The permanent educational staff consists of several tutors. The college does not have a permanent staff of lecturers, although certain university professors and experts of the party appear again and again. The members of the tutorial

[11] Arthur Bryant, "The Story of Ashridge," *Nineteenth Century*, Vol. 106, pp. 107–117 (July, 1929).

and lecturing staff are not selected on a basis merely of party membership (some, in fact, are not party members), but because of their qualifications of education and experience for the services expected of them. The managers of Ashridge have been remarkably successful in obtaining persons of outstanding reputations as lecturers. The roster regularly includes the names of such prominent university professors as F. J. C. Hearnshaw and R. B. Mowat, and of well-qualified experts such as Anthony Eden, Lord Eustace Percy, and Major Walter Elliot.

Students are charged an inclusive fee of £7 for a two weeks' course, £3 10s for a one week's course, and £2 for a week-end course. The school is supported wholly by the income from its original endowment, which has been increased by subsequent gifts of individuals and by students' fees. It does not receive grants from the central party funds or from any party organization.[12] A number of scholarships for exceptional students have been established from time to time by wealthy individuals and party organizations. Students are frequently nominated by Conservative clubs, branches of the Junior Imperial League and of the Women's Conservative and Unionist Association, and constituency organizations, in which case their expenses are paid in whole or in part by the sponsors.

Beginning with about 500 students in the short session of 1929, the attendance rose to 1,800 in 1930, 2,000 in 1931, 2,300 in 1932, and 2,500 in 1933. The annual attendance has remained fairly constant at 2,500 in later years. Students are in residence from only a week-end to eight weeks, with the majority attending the two weeks' courses. The students are drawn from all social classes and from a great variety of occupations. Many courses are restricted to particular groups, but in the general courses students of all classes and conditions are mingled together. Approximately half of the students are women. Ex-students maintain a connection with the college by membership in the Ashridge Fellowship, which since 1930 has held an annual reunion and dinner at the College. Numbers up to 400 attend these meetings, which were addressed by Stanley Baldwin with only one exception during his leadership of the party.

A typical day's program at Ashridge consists of two lectures and discussions in the morning, a class in public speaking in the early afternoon followed by recreational activities, a public debate or tutorial class at the end of the afternoon, and a lecture of general interest, a dance, a concert, or other entertainment in the evening. The standard course of two weeks includes series of lectures on constitutional history, government, economics, and current problems. The shorter courses are more restricted in subject-matter, and usually also in the personnel of the student body, for they are reserved for special groups.

[12] See a letter by General Hoskins in *London Times*, May 7, 1934.

In the first year of the college, one course was reserved for members of the Junior Imperial League and another for Conservative lords, members of Parliament, and candidates. In 1930, special courses were offered on local government, the coal industry, unemployment, and Empire trade; and separate courses were set aside for college undergraduates, the wives of Conservative members of Parliament and candidates, and the Junior Imperial League. The college was in session from February 22 to the end of October, the time not occupied by special courses being divided into the regular fortnightly courses open to all and covering general historical and economic subjects.

In 1931, special courses were offered on India, the preservation of the natural beauty of England, international relations, finance and taxation, agriculture, and unemployment. Separate courses were reserved for college undergraduates, organizers of the Young Britons' League,[13] agents and women organizers, Conservative peers, members of Parliament and candidates, constituency and branch officials, and the Junior Imperial League. This varied program showed the extraordinary breadth of the appeal that the college was making, and its efforts to give practical service to many branches of the party.

It was also in 1931 that the first long courses in citizenship were given.[14] The first such course of twelve weeks' duration, given during the first three months of the year, was designed to meet the needs of young students of both sexes who, upon leaving school or university, and before beginning a career, wished to make a study of some of the problems confronting the citizen of the modern state. For the fee of £30, the student was instructed by lectures and tuition in economics, political thought, national and local government, imperial development, and foreign relations. While only thirty-eight students attended the first course of this type, it was regarded as a successful experiment. It was felt, however, that it was difficult to hold the attention of students for as long a period as twelve weeks in such an intensive course, so a similar course in November and December of 1931 was shortened to eight weeks, with a corresponding reduction of the fee to £21. Courses of this length have become a regular part of the program of the school, one or two being given during each winter. Another variation of the longer training in citizenship, begun in 1932, consists of an introductory course of one week on elementary matters, followed by a two-weeks' course on more advanced subjects, and concluded by a week-end conference on some special problem. Students may register for the whole or any part of these sequences.

In later years, the program of the school has continued to be a varied one along the lines already marked out. Its main purpose is to train young

[13] The party organization of children of six to fourteen years.

[14] *London Times*, November 4, 1930.

people, but in the early spring and late fall, when attendance at general educational courses would be small, it opens its doors to different groups of party workers for conferences and special instruction.

The old controversy as to whether the party should maintain an educational institute or a purely propagandist agency has continued to rage about Ashridge College as it did about its predecessor, Philip Stott College. The principal and members of the committee have on numerous occasions asserted that they are conducting an educational institute of high grade, in which social science is taught in a scholarly way and current problems are discussed impartially. Such claims must, of course, be discounted because much of the activity of the school is devoted to the training of party workers. It was noted with pride that sixty-one members of the Parliament elected in 1931 were ex-students, while countless other ex-students assisted in electoral work. While the school is not an integral part of the party organization, it is nevertheless managed by Conservatives and its ultimate purpose is to help win elections for the party. Enrollment is open to the general public, but it has been admitted that students known to be hostile to the party's principles are denied the privilege of enrolling. The governing board was unsuccessful in claiming the right to be exempted from the payment of income tax upon its funds, on the ground that it was a charitable trust.[15]

On the other hand, Ashridge College is far from being a purely propagandist agency, engaged in stuffing the minds of its students with stock arguments in the Conservative cause. An examination of its prospectuses, its curriculum, and its roster of lecturers, as well as the testimony of many competent observers, leaves no doubt of its serious educational purpose.[16] It is without question the most successful experiment in political education by any British political party, and as such is worthy of the attention of all who are interested in strengthening democratic institutions.

The educational program of the Conservative party in the country at large is one of great variety, and comprises the activities of numerous branches and affiliated bodies. The educational work is entirely distinct from the ordinary political program. The Conservative party, like all other parties, holds innumerable political meetings that are purely propagandist in purpose. In these, the appeal is frankly emotional, and the objects are to work up enthusiasm and win new converts. Educational

[15] Bonar Law Memorial Trust v. Inland Revenue Commissioners (1933), 49 *Times Law Reports* 220.

[16] The writer did not have an opportunity to attend any lectures at Ashridge, but he visited the place and found a definitely academic atmosphere prevailing. He did, however, hear many lectures in other political schools conducted by the Conservative party which were dignified, informing, and altogether of a high order.

meetings are, however, quite different in character. The numbers present are nearly always limited; the speakers are chosen because of their knowledge and their ability to discuss a subject intelligently; the appeal is to the reason and not the emotions. The facts that the meetings are called "political schools," and the speakers "lecturers," are symbolic of the change of emphasis in the educational program.

Some parts of the regular political program are regarded as having educational value. The many national and regional conferences, made up of elected delegates, afford opportunities for the participants to make speeches of a more serious character than the usual campaign talks, which are in turn more valuable to the hearers. The periodic meetings of constituency associations, women's and young people's branches, and clubs are frequently given over to addresses or activities in which the members participate. At least, the many political assemblies give the activists unlimited opportunity for public speaking, and a propagandist speech can hardly be so purely emotional in content as not to require some intellectual effort in its preparation and delivery.

The Conservative Central Office sends out a large corps of organizers and speakers, a considerable part of whose duties is educational. It maintains a lending library of many hundreds of volumes, which are available to individual party members and affiliated bodies. It furnishes information and advice on the conduct of political schools, study circles, and so forth, and coöperates directly in the management of many such ventures, particularly with the women's organization. It has already been noted that the Central Office has an Educational Committee, which advises upon all these matters.

Since the winter of 1926–27, the Central Office has conducted speakers' training classes, held on its own premises. At that time, a weekly speakers' class for women was instituted.[17] Early in 1931, this program was enlarged by adding a class for men. A year later, due to the increasing demand, four speakers' classes were offered: a women's class, a men's class, a mixed class for beginners, and a mixed advanced class. In the season of 1932–33, three series of classes were necessary to meet the demand. In the fall of 1934, the classes were reorganized into beginners' (with separate classes for men and women), intermediate, and advanced. On this basis, the speakers' classes have become a regular part of the work of the Central Office. In the beginning classes, the instruction is exclusively on the art of public speaking, while in the advanced classes more attention is given to the subject-matter of speeches.

[17] *Report of the Council of the National Unionist Association to the Fifty-fifth Annual Conference . . . 1927*, p. 50; Women's Organization of the National Union of Conservative and Unionist Associations, *Report of the Eighth Annual Conference . . . 1927*.

Beginning in the spring of 1929, the Central Office has joined with the women's organization in giving series of lectures in the Central Office, or elsewhere in the London area.[18] Lecture courses sponsored by the Central Office alone have been a later development, the first being given in 1932. At the end of November, 1932, the Central Office held its first "five-day political school," which has since been an annual feature.[19] In these schools, three lectures are given each day, all three relating to the same general topic. The lecturers are prominent leaders of the party, many of them ministers in the National Government. These schools have proved popular, and attract attendance from distant points. The fee is 21s. Since the early part of 1933, the Education Committee of the Central Office has organized each winter one or more series of weekly lectures, given in the evenings by Conservative members of Parliament.

Throughout the country, many political schools, lecture courses, and speakers' classes are offered by the official party organization, that is, the bodies affiliated with the National Union of Conservative and Unionist Associations. Some of the regional federations, like the Midland Union of Conservative and Unionist Associations with headquarters at Birmingham, the City of Sheffield Conservative Federation, and the Scottish Unionist Association, have been particularly active in this way. The Midland Federation has had a salaried director of education and staff since 1930. At that time it instituted a three-year training course for party workers, leading to a diploma. The educational activities of this and other federations further include speakers' and canvassers' classes, lecture courses, study circles, and week-end residential schools. The Sheffield organization has for many years conducted weekly educational classes, one series meeting in the afternoon and another in the evening, as well as many study circles, holiday week-end schools, etc.

The women's branch of the party is particularly important in educational work.[20] Some male organizers, in fact, attribute the emphasis upon educational work in the post-war period wholly to the advent of the woman voter. Conservative women at least have readily admitted their ignorance of politics and economics, and, aware of their lack of political experience, have put forth much effort in improving themselves. The

[18] Women's Organization of the National Union of Conservative and Unionist Associations, *Report of the Tenth Annual Conference . . . 1930.*

[19] *London Times*, October 25, November 26 and 29, 1932.

[20] On women's educational activities see: Women's Organization of the National Union of Conservative and Unionist Associations, *Report of the Sixth, etc., Annual Conference . . . 1925, etc.* (London, 1925–); *Home and Politics*, Nos. 1–8 (September, 1920–April, 1921), No. 1, etc., new series (May, 1921–); *The Conservative Woman* (Leeds), Vol. 1, No. 16, etc. (June, 1922–); National Union of Conservative and Unionist Associations, *The Popular View*, Vol. 1, No. 1–Vol. 3, No. 13 (May, 1921–May, 1924), continued as *The Man in the Street*, Vol. 4, No. 1, etc. (June, 1924–).

women's organization held two lecture courses in London as early as 1921. In 1923, they were learning about study circles, and setting them up generally in their branches. In 1924, a Welsh group held a week-end school. The first available annual report of the organization (1925) says: "Study circles, speakers' classes, and lantern lectures are now recognized as an important part of a regular educational program in most constituencies and branches." In 1928, the women's organization in the southwest of England held the first of the "area political schools," which have since become an important part of the Conservative educational program. This school was held during six days in November at Torquay. About 100 students listened to three lectures each day, and attended a speakers' class in the evening. The experiment was repeated the following year, and was rapidly taken up elsewhere. Since 1930, it is common to find each of the thirteen areas into which the women's organization is divided holding at least one political school annually. The area schools are of two kinds—residential and non-residential. The former have a vacational aspect and do not attract many male students. The latter are held in the centers of population, and many men attend, particularly the evening sessions.

In addition to the political schools, in which the instruction is concentrated into many lectures in a few days, the women's organization, especially in the metropolitan area, sponsors series of lectures that are more extended in time. Since 1930, many series of this kind have been held in the Conservative Central Office, Caxton Hall, and the Ladies' Carlton Club. Each series usually consists of six lectures, given one morning or afternoon for as many weeks, for which the fee is 2s. 6d. Some of these series are organized by the Ladies' Carlton Club.

The young people's organization, whose official title is the Junior Imperial and Constitutional League, but which is commonly referred to as "The Imps" or the J.I.L., is another agency carrying on educational work.[21] In fact, the education of youth in citizenship according to Conservative ideas is regarded as the principal purpose of the League, although it is recognized that much time must be given to recreational activities in order to sugar the pill. Before the World War, this organization relied upon lectures, addresses, and debates for the instruction of its members.[22] The League practically disappeared during the War, but was revived soon after it and rapidly became the largest and most successful junior organization of all British political parties. By 1928, its educational devices included lectures, debates, mock parliaments, study circles,

[21] Junior Imperial and Constitutional League, *Annual Reports, 1919*, etc. (London, 1919–); *The Imp.*, Vol. 1, No. 1 (May, 1925–).

[22] H. I. P. Hallett, "The Young Brigade: The Junior Imperial League and Its Work," *Conservative and Unionist*, Vol. 7, No. 8 (August, 1911).

speakers' classes, and speaking competitions.[23] At this time, the Yorkshire federation adopted the week-end school, which has since been a common feature of the educational program of the League. The Yorkshire group also originated, a few years later, the idea of summer camps for boys or girls, at which part of the time is given over to educational work. The educational device that is peculiar to this organization is the annual national speaking competition, the first of which was held in 1931. After regional eliminations, teams of speakers are assembled to compete for a national award.

The Conservative clubs are also centers for educational work in the way of study circles and lectures. It is plain, however, that educational work occupies a relatively small place in the interests of these organizations, as they are primarily social.

Even the Primrose League has entered the field of educational work. It has held an annual two weeks' summer school since 1925, and a two or three days' political school has long been a regular part of the annual program of the habitations in the London area. The lectures for this audience are much inferior to those usually given in Conservative political schools.

Ashridge College inaugurated an extension program in 1930. Local representatives are appointed, and the ex-students are brought together for study circles and other educational activities, and are drawn in as leaders in such work. The College also lends its assistance to many of the area schools of the women's organization, and its regular lecturers and tutors appear frequently on their programs. The extension work of Ashridge College is regarded as a partial realization of the ambitious plans that were laid for the Educational Institute in the middle 'twenties.

One of the main purposes of all the educational activities that have been described is to train part-time electoral workers. The party also has its program for training its full-time salaried workers, and for testing their qualifications. Before the World War, the National Society of Conservative and Unionist Agents had assumed the task of examining and certifying qualified agents, and it conducted examinations again for this purpose in 1920–21 and later years.[24] After presenting certain evidence as to age and good character, aspiring agents are required to pass a qualifying examination. If successful, they are sent out for a period of apprenticeship under a certified agent, and then they come up for a searching final examination. In 1927, the women's organization undertook a similar function with respect to women organizers. In more recent years, a Conservative and Unionist Examining Board has been set up with jurisdic-

[23] Lord Stanley, "The Story of the League," *The Imp*, Vol. 3 n.s., No. 6 (March, 1928).

[24] *Conservative Agents' Journal*, No. 14 n.s. (August, 1920).

tion over both agents and women organizers. The training is still given chiefly by the in-service method, but it is facilitated by the special courses given at Ashridge College.

The educational activities of the Conservative party are thus varied and extensive. The program is almost wholly a development of the post-war period, but it is now so firmly established and so highly valued that no one in authority would think of interfering with it. The educational program of the Conservative party is much broader in scope than that of any other British political party, and has touched many more people. This is easy to understand when the more favorable electoral position of the Conservative party during most of the post-war years is recalled, and it is also a well-known fact that it has more ample funds than the other parties. At the same time, the immediate beneficiaries of the educational work usually have to dip into their own pockets to bear at least part of the expense. The habit of "paying for one's politics" is fostered in social classes not often tapped for revenue by a capitalist party. The experience seems to show that if a party furnishes a service of value, the people are willing to pay for it.

JOSEPH R. STARR.

University of Minnesota.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At the University of Pennsylvania, Dr. Edward W. Carter has been advanced to an associate professorship and Dr. Alfred G. Buehler, formerly of the University of Vermont, has been appointed to a full professorship.

Professor Kenneth C. Cole, of the University of Washington, is spending the summer in Germany and other European countries, where he is carrying on studies in the field of public law.

Professor Thomas I. Cook, of the University of California at Los Angeles, has been appointed associate professor of political science at the University of Washington. He will share the field of political theory with Professor Kenneth C. Cole. Dr. Donald H. Webster has also been appointed to an associate professorship at Washington and will serve as executive secretary of the bureau of government research.

Dr. Clifford W. Ham, executive director of the American Municipal Association and lecturer in political science at the University of Chicago, died in Chicago on June 8 at the age of forty-six. He was a former city manager of Pontiac and other Michigan cities.

Professor John D. Lewis, of Oberlin College, taught at the University of Wisconsin during the recent summer session.

During Professor Howard White's absence for a year, Dr. Burton L. French will act as head of Miami University's department of government.

Mr. Donald M. Wheeler has resigned his instructorship in government at Yale University to accept a position in the Monetary Research Division of the United States Treasury Department.

Mr. August Heckscher and Mr. C. Dwight Waldo have been appointed instructors in government at Yale University.

Mr. George L. Millikan, instructor in government at Yale University, has been appointed instructor in political science at the University of Vermont.

Professor Alden L. Powell, of Louisiana State University, taught at the University of Arizona during the first half of the summer session.

Mr. Harry W. Johnstone has been appointed associate in political science at the University of Washington for the year 1939–40.

Professor William P. Maddox, of the University of Pennsylvania, taught at the Colorado State College during the recent summer session.

At the University of Wisconsin, Professor John M. Gaus has become chairman of the department of political science, and at the University of Nebraska, Professor Lane W. Lancaster.

Professor Walter Sandelius, of the University of Kansas, went abroad in July and will remain until February, spending most of the time studying the political problems of the Baltic area.

A bureau of government research has been established at the University of New Hampshire, with Professors Lashley G. Harvey and Thorsten V. Kalijarvi as executive secretary and chairman of the advisory board, respectively.

Professor Wilson L. Godshall has been appointed to a chair in diplomatic history and international relations at Lehigh University.

During the recent summer session at the University of Maryland, Professor R. G. Steinmeyer directed a course of special lectures in the field of Latin American affairs. The series was opened by Dr. Leo S. Rowe, director-general of the Pan American Union.

On the basis of a Guggenheim fellowship, Professor Karl Loewenstein, chairman of the department of political science at Amherst College, will spend the second half of the coming academic year studying problems of constitutional jurisprudence in European dictatorships.

In the recent summer session at Syracuse University, Professor Orren C. Hormell, of Bowdoin College, offered graduate courses on political parties and county government.

At the University of Minnesota, Dr. Benjamin E. Lippincott has been promoted to an associate professorship and Messrs. A. N. Christensen and E. M. Kirkpatrick to assistant professorships.

During the coming year, Mr. G. W. C. Ross, of St. Thomas College, will serve as a part-time lecturer in political science at the University of Minnesota.

The Council on Foreign Relations announces a seminar for junior executives on the economic aspects of American foreign policy, to be held at the Council House in New York City during the 1939–40 season under the direction of Professor Percy W. Bidwell, economic adviser to the Council.

At the Western Reserve University, Dr. Wilbur W. White has been

advanced from assistant to associate professor, and Dr. Gerhard Krebs, of the University of California, has been appointed instructor.

Professor George C. S. Benson, of the University of Michigan, has been appointed a member of the Michigan state planning commission and also of the advisory council of the Michigan unemployment compensation commission.

Dr. Hollis W. Barber has resigned his instructorship at the University of Cincinnati to accept an assistant professorship at Tulane University.

A course on "Basic Factors in American Politics" is to be offered at Yale University during 1939–40 by Professor Arthur W. Macmahon, of Columbia University, during the first half-year and Professor Merle Fainsod, of Harvard University, during the second half-year.

Professor Samuel Guy Inman, of the University of Pennsylvania, participated during the summer in institutes of international relations held at Bethel College, Reed College, Mills College, Western Reserve University, and the University of Maryland.

Professor Charles E. Martin, of the University of Washington, is teaching during the summer at the University of Hawaii; and Professor Edmond F. Spellacy has been granted leave of absence for the year 1939–40 in order to teach during that period in the same institution.

The courses in political science at the New York State College for Teachers (Albany) were given this summer by Professors Harold R. Bruce, of Dartmouth Col'ege, and Jesse B. Johnson, of Connecticut Teachers College.

While on leave from Miami University during the coming academic year, Professor Howard White will be associated with the National Institute of Public Affairs, assisting in making contacts with administrative services for placing the fifty internes selected by the Institute and, later, in tutorial supervision of the work of the internes. Dr. F. C. Davenport, president of the Institute, has been appointed chairman of the Council of Personnel Administration of the national government and in consequence will not be able to give as much time as usual to the Institute.

At Princeton University, Dr. George A. Graham has been advanced to an associate professorship. Professor Harold H. Sprout has been granted a year's leave of absence, and on the basis of the Shreve research fellowship of that institution and a Penfield traveling fellowship granted by the University of Pennsylvania, will spend the year 1939–40 in Washington and elsewhere, carrying on further studies of American naval policy and administration.

All of the papers relating to the public career of the late Senator Edward P. Costigan of Colorado are being donated by Mrs. Costigan to the Historical Collections of the University of Colorado. The transfer will be completed by September of this year, and the collection will be available for the use of scholars by March, 1940, in the new library of the University.

The establishment of a curriculum in social administration has been approved by the board of trustees of the University of Illinois. The projected program contemplates the offering of both undergraduate and graduate courses, and is designed primarily to provide training for positions in public-welfare and social-service administration.

Under the joint sponsorship of the Carnegie Endowment for International Peace and the University of Omaha, an institute of government is to be held at the latter institution during the period September 18–22, with supplementary lectures continuing through the following winter. In addition to local personages, the membership of the advisory board includes Professor Francis W. Coker, of Yale University.

The second annual session of the University of New Hampshire's institute of public affairs, held at Durham on July 6, was devoted mainly to topics in public administration and local government. The luncheon speaker was Dr. John F. Sly, director of the Princeton Local Government Survey.

The general topic for this year's session of the Institute of Public Affairs at the University of Virginia was "New Problems of Government: National and International." Forum discussions of national affairs were led by Mr. Ernest K. Lindley, Washington journalist, and of foreign affairs by Professor Bruce Hopper, of Harvard University.

On April 3, the Maryland General Assembly established a legislative council composed of fourteen legislators, seven from each house, and a fifteenth member, the director of the department of legislative reference. The latter acts as secretary to the Council and director of its research division. The Council is authorized to collect information on the state's welfare and to submit a legislative program to the General Assembly embodying recommendations. It is not specifically authorized to enter the field of executive or judicial reorganization, but problems therein may be considered if the legislature so authorizes. The governor has no connection with the Council except to send it messages.

The Indian Political Science Conference, which held its first session at Benares last December, decided to establish a quarterly to be known as the *Indian Journal of Political Science*, with Professor Beni Brasad, of

the University of Allahabad, as managing editor. One number a year is to be devoted to selections from papers read at the annual session of the Conference; the remaining issues will contain general articles, surveys of Indian constitutional affairs, and materials relating to political developments in the Far East, Middle East, and Near East. The first number of the new journal appeared in July.

Post-doctoral research training fellows appointed by the Social Science Research Council for the year 1939–40 include Professors Eric C. Bellquist, of the University of California, for field experience in the study of responsible government in northern Europe, and John D. Lewis, of Oberlin College, for field experience in Great Britain studying the problems of current tendencies in the democratic process. Grants-in-aid have been awarded to Professors Martin L. Faust, of the University of Missouri, for a study of the technique of executive control through fiscal operations as developed and practiced by the British Treasury department, and Joseph R. Starr, of the University of Minnesota, for a study of selected aspects of American party organization.

The Fifteenth Institute under the Norman Wait Harris Memorial Foundation in International Relations was held at the University of Chicago from July 5 to 10 inclusive. The subject of this Institute was "International Security," and the discussions centered about the factors leading to the breakdown of the international security system from 1919 to 1939. The lectures, which will be published in book form, were delivered by Dr. Eduard Benes, former president of Czechoslovakia; Dr. Arthur Feiler, of the New School for Social Research; and Professor Rushton Coulborn, of Atlanta University. The round-tables, under the general chairmanship of Walter H. C. Laves, of the University of Chicago, were led by Dr. Benes, Quincy Wright, Kenneth Colegrove, Arthur Sweetser, Bernadotte Schmitt, Rushton Coulborn, Arthur Feiler, and Denna F. Fleming. As in past years, the round-table discussions were confidential and closed to the general public.

Memoirs of the Peace Conference. By David Lloyd George. (New Haven: Yale University Press. 1939. Two volumes. Pp. xx, 964. $10.00.)

Cardinal de Retz (no good example of his own precept) observed that we have no true histories but such as have been written by men sincere enough to speak the truth in what relates to themselves. Judged by such an exacting test, one might dismiss all memoirs as necessarily lacking in objective verity, if indeed, according to some recent authorities, there be such a thing. When one who has made history undertakes to write it, he is apt to be not only *laudator temporis acti*, but *laudator suarum rerum gestarum*. Mr. Lloyd George asserts that he has let the facts speak for themselves in his *Memoirs of the Peace Conference*, now published in America in two handsomely printed volumes. He claims to "have set down the facts faithfully," in a plain "statement of the truth, . . . without the suppression or distortion of any relevant fact or document." Nevertheless, it is a most personal book. He does not disclaim his having been the principal architect of the Peace Treaties. He is willing that they be measured "by the highest standard of right attained in any civilized community or between any civilized nation and another," as the work of men "who honestly did their best to serve in an emergency which would try the head and nerve of any man to the utmost limit." A proper training for making an estimate of this work would well be a familiarity with the six volumes of his *War Memoirs*, of which these two are the continuation and conclusion.

The methods of composition and treatment in the two works are similar: there is a large mass of documents, with vigorous comment upon personalities, with no attempts at concealment of likes and dislikes. More than half of the nine hundred-odd pages contain documentary material. It is impossible to tell from the work itself what portion of these has been previously published, for there are no footnotes or citations. Many of them have been printed. A large part of this material, however, is made up of Lloyd George's memoranda and correspondence. Not unnaturally, much space is given to the record and minutes of the meetings of the Big Four and of other authoritative groups of restricted size. Therefore the volumes become of importance as source material, but except by the expert they are probably to be used cautiously.

The average reader will be apt to seize upon the author's expression of his attractions and aversions. He admired Wilson's oratory, found him doctrinaire, with "an implicit faith in the efficacy of phrases (I, 144)," but "he had the charm which emanates from a fine intelligence, integrity of purpose, and a complete absence of querulity or cantankerousness,"—certainly, as to the latter part, high praise which hardly squares with the

later observation: "He was the most extraordinary compound I have ever encountered of the noble visionary, the implacable and unscrupulous partisan, the exalted idealist and the man of rather petty personal rancours (I, 145), . . . rather an ecclesiastical than a political type of mind." Colonel House was "the Claudius of this pacific American Caesar (I, 155)" (a resemblance which is certainly not obvious), who could not penetrate "the depths of human nature or of human events (I, 157)," and "not nearly as cunning as he thought he was (I, 158)." Orlando was a man of integrity and of genuine patriotism, amiable and attractive. Sonnino was "dour, rigid and intractable, scornful of ideals." "The two Italian delegates were each in his own way exceptionally able men, but they were not a good team. When troubles came, Orlando was too emotional and not hard enough, Sonnino was too sulky and too rigid (I, 166)." There is disappointingly no character-sketch of Clemenceau, but throughout the work he is treated with deference and respect. The arch-villains are Northcliffe and Poincaré. With the former came an open and final break: "When he supported me I always expected to hear the arrow that flies in the noon-day sun hiss past my ear from behind, an arrow always dipped in poison. With men of that kind it is safer to have them confronting you than behind you (I, 177)." Poincaré was logical, with a dull and sterile mind, with considerable courage and stern tenacity. "Poincaré never changed a single opinion he ever held. He was therefore trusted without question put (I, 161)." In this respect certainly, Poincaré and Lloyd George were antipodal and antipathetic. Poincaré "is the true creator of modern Germany with its great and growing armaments, and should this end in another conflict the catastrophe will have been engineered by Poincaré. His dead hand lies heavy on Europe today (I, 163)."

This last observation illustrates the thesis which Lloyd George sets forth in his preface: "It is not the Treaties that should be blamed. The fault lies with those who repudiated their solemn contracts and pledges by taking a discreditable advantage of their temporary superiority to deny justice to those who, for the time being, were helpless to exact it." His conclusion is: "Between the retreat of America and the treacheries of Europe, the Treaties of Peace were never given a fair trial (II, 914)."

The reviewer is unable to appraise the work as a contribution to history and certainly not as to objective verity. But as a characteristic human document, written twenty years after the event by the last survivor of a great historical group, whose mind is still exceptionally alert and whose capacity for trenchant phrase remains unimpaired, it is important, interesting, and at times even exciting. It can never be overlooked, even though it will raise, rather than settle, argument.

JESSE S. REEVES.

University of Michigan.

World Federation. By Oscar Newfang. [*Fédération universelle.* Par Oscar Newfang; traduit par Pierre Gault.] (New York: Barnes and Noble, Inc. 1939. Two parts, bound together. Pp. xi, 116; xii, 121.)

Mr. Newfang, who has published two other thoughtful books on the international problem, cogently argues here that the two basic conditions of permanent peace are "a single effective, acceptable authority" and "free movement of goods, money, and persons" throughout the whole area. He proves his contention by examining the historical evolution of the United Kingdom, France, Germany, Italy, Russia, Japan, and the United States. After analyzing wherein the two conditions are unrealized internationally, he examines how the Covenant of the League of Nations can be transformed into the instrument to establish a world federation. At very few points can the historian, economist, or political scientist question his facts or his use of them in an admirably clear and compact exposition.

Mr. Newfang's program to bring about international federation is a revision of the Covenant, which he rightly regards as a valid document. He proposes changes in its Articles 2, 5, 6, 8, 10, 14, 15, 18, 19, 20, 21, 23, and 26, and elision of Articles 16 and 17. The proposals are substantial enough to warrant careful study, which is facilitated for Geneva by the two linguistic versions of the text.

The whole argument is more than a magnificent obsession, but it has its drawbacks. It does not face squarely the fact that, so long as states and peoples cling to the illusion that military strength is a real buttress of their existence, they will not relinquish their demonic determination to do as they jolly well please. Strategic hallucinations vitiate all logic in the problem of organizing world order, and paralyze plans to approach it. Mr. Newfang rightly sees advance by way of evolution. His suggestion for bridging the gap from inaction to forward motion is a progressive decennial transfer of military power to a reorganized League of Nations, all national forces being reduced simultaneously in the same proportion.

The chances are that the inevitable multilateral integration of these times will so permeate civilization that the concepts of mere politics will be transmuted into functions of coöperation. This striking analysis and precise attempt to abolish current anarchy is a contribution to the ideology of a respectable world order.

Denys P. Myers.

Fletcher School of Law and Diplomacy.

Europe on the Eve. By Frederick L. Schuman. (New York: Alfred A. Knopf. 1939. Pp. xv, 573. $3.50.)

In his examination of, and reflections upon, the course of European crises over the past six years, Professor Schuman has gradually developed

an interpretation which approaches fanatical obsession. He now discharges it full blast, with all that skilful manipulation of fact and rhetoric of which he is indisputably a master. No exponent of the famous "plot" theory has constructed the case more meticulously, and few more relentlessly, than he. As attorney for the prosecution, he has produced a brilliant political polemic.

The essence of the thesis and indictment can be stated briefly. The ruling propertied classes of Great Britain and France fear and hate communism more than fascism. A crushing diplomatic or military defeat for Germany or Italy might end in communist revolution. Victory for the Nazis and Fascists would mean not only added prestige for their régimes, but the destruction of incipient left-wing, and hence dangerous, movements in the countries over which they extended their control. Thus, feeble and insincere protests were raised by the British and French governments over the Dollfuss murder, repudiation of Versailles and Locarno, occupation of the Rhineland, the sack of Ethiopia, the conquest of Austria, the destruction of Republican Spain, and the absorption of Bohemia. At no time did the democratic governments go beyond those diplomatic gestures which they deemed necessary to appease their own peoples who still retained silly notions about the sanctity of treaties and the menace of fascism. When the Hoare-Laval plan to render Ethiopia unto Caesar withered under the blast of popular rage, British and French statesmen learned a lesson. Their publics would acquiesce in future concessions to the dictators only if the horrible alternative of war were brought to their doorsteps. Hence, in September, 1938, a war panic had to be artificially concocted in London and Paris to pave the way for a triumphant Munich-peace. Chamberlain was neither naive nor stupid; he was a master of deception and artifice. But his diabolical cunning was used against his own people, not against Hitler.

This version of crisis and appeasement will gain wide acceptance. It is good to find the devil. It is good to find a neat formula which arranges a tangled maze of events into a logical pattern. But the skeptical, because of a distrust either of a rigid morality or of an inflexible logic as clues to the understanding of history, will remain unconvinced. Let it be admitted that Britain and France have hitherto preferred fascist expansion to world conflagration. The preference does not make the former palatable. That some individuals dread the latter because of its supposed invitation to communism (others say fascism) does not alter the fact that millions of people see only the wake of death and destruction. Suppose the force of virtue (collective security with its admixture of the imperial interests of static powers) had triumphed over the force of wickedness, the world would have been no nearer the solution of fundamental problems. Whether Germany and Italy could have been successfully countered with

bluff will remain a matter of opinion. Bluff can be used only by those ready and willing to accept the consequences of challenge.

In so far as the alleged *enthusiasm* of the British and French for fascist successes is concerned, some of Professor Schuman's "evidence" is flimsy. For instance, the Marquis of Londonderry "doubtless" gave encouragement to the Nazis to refortify the Rhineland in the winter of 1936. Or, again: "That the conclusions of this remarkable secret document [the Maffey report on Ethiopia] met with the approval of Baldwin, Simon, Hoare, and Chamberlain is scarcely open to doubt." Sober historians will not be satisfied with the conjectures that the views of Londonderry, the Maffey committee, and various Nazi sympathizers in London were the sole determinants of governmental action.

Professor Schuman has rare intuitive gifts which are frequently used to illumine the umbrage of past and future. He is also analyst, moralist, and literary stylist. Indubitably, he has shown a supreme capacity for mastering detail, dissecting the living parts, and inducing important generalizations on the physiology and pathology of international politics. But the surge of righteous indignation and the passion for the vivid phrase sometimes gain ascendancy over scientific objectivity. He is a bitterly disappointed idealist whose dream of collective security was shattered by the failings of men; he now retreats into "regional security for the Americas." One day he will find that Latin American statesmen, too, are only men; he will then become an isolationist. Recoiling step by step before the unfolding drama of human delinquency, he may end up an anarchist—or a solipsist.

WILLIAM P. MADDOX.

University of Pennsylvania.

War in Our Time. BY THE GRADUATE FACULTY OF THE NEW SCHOOL FOR SOCIAL RESEARCH. HANS SPEIER AND ALFRED KÄHLER, EDITORS. With a foreword by Alvin Johnson. (New York: W. W. Norton and Company. 1939. Pp. 362. $3.00.)

The first four sections of this symposium deal with the causes of war. "Power Politics and Peace Plans," by Hans Simons, traces the revival of naked power politics back to the failure of the post-war world to admit dynamism into the League system. Emil Lederer outlines the conflict between the principle of national sovereignty and the fact that internal politics frequently and seriously affect outside states; while Arnold Brecht points out the difficulty in reducing the concept of sovereignty within limits which will permit peaceful relations. Hans Staundiger shows the subjective character of a nation's claim of over-population, and points out the vicious circle involved in the war of conquest to reduce population pressure, which reduces the means of subsistence enough to create renewed pressure, calling for another war of conquest.

The succeeding nine sections deal with the conduct of totalitarian war. Karl Brandt shows that the significance of national resources and raw materials varies with the ability of the nation in which they lie to exploit them, and discusses their varying importance under economies of peace, preparedness, and war. Similarly, Eduard Heimann condemns autarchy under a peace economy, but shows its value for a war economy. Conquest, says Arthur Feiler, is again coming to mean expropriation of the conquered, as in the ancient world, for the benefit of certain groups among the conquerors. War, even without conquest, may also mean sequestration of enemy private property by both belligerents, thinks Rudolph Littauer. Fritz Lehmann shows the steadily increasing share of war expense which goes for material, compared to the cost for pay and subsistence of troops. Wars should be financed by loans, says Gerhard Cohen, until credit is available to produce maximum output and the nation's savings are largely in the government's hands; thereafter heavy taxation should be resorted to. Economic preparation for war, says Emil Lederer, should be based on maximum increase of production and equality of consumption, which is the most effective way to reduce the latter to the necessary minimum. The stimulation of armament to offset depression, Alfred Kahler finds, has become a distinctive factor in the business cycle. Frieda Wunderlich sees labor becoming an organ of the state in wartime, but retaining no real gains from war. Hans Speier, in his section on propaganda, sees it without value against the enemy unless his morale has begun to crumble. But he places symbol warfare on a plane of equal importance with military and economic. Throughout these sections, the need of totalitarian controls in war-time is expressed or implied.

The three remaining sections deal with philosophical questions: power, war and the church, and fascism. Albert Salomon distinguishes between power as means and as end. Carl Mayer defines the Catholic distinction between just and unjust wars, and contrasts the conservative Protestant doctrine of war as historical necessity with the positive pacifism of other Protestant thinkers. The book closes with an excoriation of fascism by Max Ascoli, who sees no possible peace between world order and fascism, though admitting such peace with other revolutionary movements, including communism. The book is rich with ideas on a current problem of prime importance, and is marked by clarity and, except in a few instances, by restraint.

HAROLD J. TOBIN.

Dartmouth College.

World Revolutionary Propaganda; A Chicago Study. By HAROLD D. LASSWELL AND DOROTHY BLUMENSTOCK. (New York: Alfred A. Knopf. 1939. Pp. xii, 393, xii. $4.00.)

If the Dies Committee were honestly interested in an investigation of revolutionary propaganda in the United States, it would lose no time

in enlisting the coöperation of the authors of this most valuable book. Unfortunately, the type of investigation which Professor Lasswell and Miss Blumenstock have given us does not lend itself to the kind of political propaganda in which Mr. Dies is himself engaged. What they present here is a scientific and detailed analysis of propaganda as a major tool in the struggle for power.

Space forbids a detailed description of the methods employed. Essentially, the problem was one of examining the extent of diffusion and restriction of revolutionary attitudes and the net results of efforts put forth by one group, the Communist party, during a limited period (1930–34) in a single center, Chicago. In order to determine the connection between the acceptance of propaganda and changes in the environment, the authors have classified the years and quarters after 1929 according to the prominence of what they call "indulgence" and "deprivation." By "indulgence" is meant those factors which tend to promote a sense of security and satisfaction with existing patterns of institutional organization. "Deprivations" are those factors which promote a sense of insecurity and lack of confidence with things as they are. To measure the extent of indulgence and deprivation, such indices as employment, the number of evictions, changes in the total relief case count, in the amount of work relief, and in the average relief expenditure per case, are correlated with behavior indicating acceptance or rejection of the revolutionary slogans used by the Communist propagandists. The channels through which these symbols were disseminated—the press, radio, mass demonstrations, auxiliary organizations, etc.—are examined as to both quality and quantity.

What, then, were the effects of Communist world revolutionary propaganda in Chicago during these years? In the first place, acceptance of Communist slogans was closely associated with periods of "deprivation," falling very sharply during periods of "indulgence." That is to say, when relief payments were liberal, employment high, evictions low, the workers of Chicago showed no disposition to adopt the Communist myth. On the other hand, when unemployment increased, relief payments were down, evictions high, there was a disposition to react favorably to the Communist appeals. Among the most important restricting factors were nationalism and individualism. So long as the Communists talked mainly about Russia and indulged in denunciation of everything American, they made little headway. It was only when they learned to incorporate American symbols and practices that they were able to overcome this hostility to any extent. Resistance was encountered, too, in the tradition of individualism among American workers and their resentment toward the autocratic and bureaucratic control of the party hierarchy.

Paradoxically, Communist propaganda in Chicago contributed to the stabilization of capitalism. It provided a catharsis for insecurities by diverting energies into political agitation which might otherwise have resulted in violent assaults upon particular persons or institutions. The mere presence of this type of revolutionary agitation made it possible for employers and others upon whom would ordinarily fall the onus for economic collapse to transfer the blame from themselves to the Communists. "Despite some favorable circumstances," say the authors, "Communist propaganda was blocked by American nationalism and individualism and thus contributed more to the catharsis of insecurity than to the readjustment of American symbols and practices . . . The propaganda of the Communist International in Chicago in some cases achieved the opposite of what it aimed at . . . In this sense the chief function of the Third International in America has been to expedite the rejection of the Russian revolution."

It is unfortunate that this study stops with 1934. Since that time there has been a decided shift in the Communist party line, with a new emphasis on the slogan "Communism is Twentieth Century Americanism." Whether this shift, together with the democratization of the party, has resulted in overcoming the restrictive influences of nationalism and individualism, one can only guess. It is to be hoped that, having developed a technique of analysis and measurement, Professor Lasswell and Miss Blumenstock will continue their study on a broader front. Perhaps they may even be persuaded to apply the same methods to a study of revolutionary propaganda emanating from Rome and Berlin. If Mr. Dies is really looking for expert assistance, I nominate the authors of this most significant book.

PETER H. ODEGARD.

Amherst College.

Democracy and Socialism. By ARTHUR ROSENBERG. (New York: Alfred A. Knopf. 1939. Pp. xii, 369, vii. $3.50.)

"Historically, democracy does not exist as a thing in itself, as a formal abstraction. On the contrary, democracy is always a definite political movement, borne by definite social forces and classes fighting for particular aims. A democratic state is therefore a state in which the democratic movement rules."

This statement well characterizes the present work. The distinguished author of *A History of Bolshevism* and *A History of the German Republic* deals with the historical evolution of socialism in its relation to democracy rather than the theoretical controversy concerning the connection of the two. Starting from the time of the French Revolution, when Baboeuf

unequivocally identified democracy with the rule of the toiling masses, Rosenberg shows how Robespierre and Jefferson were the outstanding leaders of a social democracy which "wants to maintain the principle of private property, but endeavors to establish the political rule of the toiling masses, in a struggle against the feudal and capitalistic upper classes." Marx and Engels, at the time of the *Communist Manifesto*, had gone beyond this to a conception that Rosenberg calls socialist democracy, which "wants self-government by the masses, whereby the socially important means of production should be owned by the community." "The elevation of the proletariat to the position of the ruling class" was at that time for Marx and Engels identical with the establishment of democracy. But by 1884 it had become evident that "democracy" may actually become the rampart behind which all the forces opposed to the rule of the proletariat gather together. The decisive rôle which the Paris Commune played in this re-evaluation of democracy is duly stressed. Finally, Rosenberg shows how, after the World War, democracy and socialism have actually become antithetical to the point where Bolshevist leaders show a positive contempt for democracy. Rosenberg cites a German Communist who, in 1923, said: "The masses will stay with us: we will rather burn in the fire of revolution than perish on the dung-heap of democracy." The volume makes an effort to show how this decline of the democratic idea occurred, and to point the way to a revival of genuine democratic sentiment.

The volume is divided into three parts of startlingly uneven length. Part I (pp. 1–58) deals with modern democracy before Marx. I found the section on Robespierre and Jefferson most challenging. Part II (pp. 59–318), takes up the central theme of democracy and Marxism. In sixteen sections the author discusses the development from Marx and Engels at the eve of the revolution of 1848 to the Second International. In the last part (pp. 319–362), entitled simply "1895 to the Present," pre-war and post-war socialism, and a rather brief restatement of the issues after the rise of fascism, lead up to a critical evaluation of democracy.

Professor Rosenberg's volume is a very valuable contribution to the general history of parties and party ideologies. It is characterized by a welcome breadth of outlook, which includes a consideration of the smaller European countries whenever they show significant developments. For example, the unique position of Switzerland in the democratic movement throughout the second half of the nineteenth century is suitably stressed. The United States also comes in for continuous comment. It is inherent in the very nature of Rosenberg's material that many of his views and opinions will be questioned; perhaps it should be admitted that "objective" party history is out of the question. That "so-called democracy—in the United States—was only a cloak for a dictatorship of imperialistic

capitalism" may not be agreed to by all those who would accept Rosenberg's explanation that "the national, state, and local party machines controlled the elections," because they might deny, in the light of specific evidence, that "the same machines obeyed the commands of the capitalists." But such specific disagreements do not alter the great value of Rosenberg's broad analysis.

The phrases just cited show that the author builds, on the whole, upon the Marxist conception of history. The idea of classes, and more especially the concepts of the bourgeoisie and the proletariat, play a decisive rôle in his analysis. Yet Professor Rosenberg is no slavish follower of Marxist dogmatism. He points out clearly the historical limitations of Marx and Engels, and the extent to which they misjudged the situation in 1880, because they saw it too much in analogy to 1848. On the other hand, he also defends them as two great revolutionary democrats against the narrow-minded labor viewpoint of official Marxist party leaders, particularly in Germany.

The bibliographical notes are characteristically, though not very justifiably, limited to a few titles besides the works of Marx and Engels. The number of significant contributions whose value the author implies is very considerable, and it would have been a great asset of the book to give a critical bibliography.

On the whole, the book is an important step in the reorientation which is taking place amongst progressive leaders throughout the Western world. As the rise of fascism has revealed the hollowness of some pet notions, it has also brought to vivid attention once more the imperishable value of the great ideas of the democratic movement. The author ends on a note of discriminating prediction: "Wherever democratic self-government has not been decreed mechanically by proclaiming a republic or general suffrage, but has developed historically out of the life of the working people, it exhibits a remarkable power of resistance. In modern times, no real democracy has yet perished."

CARL J. FRIEDRICH.

Harvard University.

Social and Economic History of Germany from William II to Hitler, 1888–1938. By W. F. BRUCK. (Cardiff: University Press Board. 1938. Pp. 292. 12s. 6d.)

The Economic Recovery of Germany from 1933 to 1938. By C. W. Guillebaud. (New York: The Macmillan Company. 1938. Pp. 303. $3.25.)

Social scientists too often forget that the principle of *natura non facit saltum* applies not only to the physical but also to the social sciences. It is precisely the task of the student of revolutionary changes to demon-

strate that history, too, has its continuity, and this continuity has to be shown concretely in revolutionary movements if we are to understand them. One of the main defects of recent books on Nazism was to concentrate too exclusively on the unique aspects of the new régime. This type of political or historical writing is bound to be devoid of any significant interpretation because it stresses only the unique and startling factors which by their very strangeness cannot be grasped easily, and fails to show those factors which can be traced back to Germany's history. Most studies of Nazism have failed, on the whole, to relate it to the general trend of German history. Until recently, Lichtenberger's *Third Reich* and Mankiewicz' *Le nationalsocialisme allemand* were perhaps the only attempts to present the present German régime in its natural setting of German history.

To these two notable works, Professor Bruck's new volume may now be added. In his introduction, he states that the purpose of the book is to show "that throughout the last 200 years, leaving out of consideration some points of new ideology [race, etc.], there has been a certain logical sequence in Prussian-German history." The main thesis of Bruck's analysis is that cameralism, the peculiar type of German mercantilism, provides the clue to the understanding of recent German social and economic history. So far, political scientists have failed to make adequate use of this main thesis, and it is Bruck's contribution to demonstrate the accuracy of this basic assumption as it becomes manifest in recent German history. The failure of Germany to evolve liberal political institutions in the last two generations becomes more comprehensible when the continued operation of cameralism in the nineteenth century is remembered. In the other Western European nations, notably in England, a free economic constitution found its adequate political expression in liberal institutions and modes of thinking. In Germany, the industrial revolution and subsequent developments were not accompanied by expanding institutions of self-government, because industrial progress was due largely to state intervention from the beginning of the whole process. The reason for this peculiar development is seen by Bruck, as by many others, in Germany's late appearance in world economy. This does not seem to be a wholly satisfactory explanation, but in any case the fact remains that the failure of the German people to evolve the new economy without the help and guidance of the state was largely responsible for its failure to achieve the institutional framework of free and ordered progress characteristic of their more fortunate neighbors. It is understandable in the light of this German cameralism that the historical school in law, political science, and economics was Germany's peculiar contribution to the social sciences of the nineteenth century, that economics was and still is in Germany a branch of the *Staatswissenschaften*,

and that German economic science never gave up its character of *political economy*.

In addition, however, Germany's social evolution during the last fifty years received its decisive imprint not alone from the fact of state intervention, but still more from the fact that that state was a military state *par excellence*. This again sharply differentiates Germany from the other Western European nations during the last two generations, because state intervention assumes a different character whether administered by progressive civilians or by conservative militarists. Germany never knew the kind of capitalism that operated in England or the United States, because German capitalism was permeated from its very beginning with the spirit of militarism. The only other economy that can be compared to it is the Japanese, whose peculiar mixture of an expanding industrial economy with a high-powered militarism is the closest approach to the Prussian.

In the light of these facts, Bruck gives a superb picture of Germany's evolution in the last fifty years. He throws new light upon the development of the cartels and monopolies in Germany which were so characteristic of the craving for bigness and uniformity. The monopolized cartel has the same relation to the individual *entrepreneur* that an army has to a civilian, and it was in full accord with that peculiarly German development that the Nazis strengthened the position of the cartels and monopolies as early as July, 1933, although the protection of the "little man" had been one of the main promises of the Nazi program. In Kolnai's *War Against the West*, we now have the definitive statement of Nazi ideology and its roots in German thought. Bruck's new book provides for the long missed similar account of the Nazi economy and its ideological and historical roots. No student of Germany can afford to ignore this book.

Mr. Guillebaud, lecturer in economics at the University of Cambridge, has missed the opportunity of writing a great book. We badly need a reliable account of the actual working of the Nazi economy and its results; but unfortunately the political scientists are usually not too strong on the economic side, while the economists fail on the political side. Mr. Guillebaud candidly states in his introduction: "I am concerned throughout only with the economic aspects of German recovery since 1933, and have left political considerations on one side" (p. vii). This approach seems to this reviewer to be thoroughly inadequate in explaining German economy which is a *political* economy, if there ever was one, and which is governed completely by political considerations. The author mentions only in a small footnote toward the end of the book that the German economy "has many of the characteristic features of a war-time economy" (p. 268).

Mr. Guillebaud also mistakes impartiality for an almost unreserved acceptance of official German figures. His determination to free his mind of all prejudice in approaching the new economy deserves nothing but praise, but impartiality also implies the adoption of critical and reliable standards which Dr. Goebbels' figures, alas, do not always possess. Can a discussion of Germany's achievement of full employment have any meaning if no adequate mention is made of such non-economic factors as a standing army of over one million men, armament factories, concentration camps, emigration forced upon hundreds of thousands, etc? Or can the German policy of public investment be adequately explained save in terms of the armament program?

Mr. Guillebaud attempts to adduce the German experience as a successful illustration of the doctrines of Mr. Keynes. However, Mr. Guillebaud fails to realize that Mr. Keynes assumed the operation of a welfare state in peace-time as the basis of his economic doctrines, whereas Nazi Germany constitutes a permanent war-economy. A simple inquiry into recent German events would have taught Mr. Guillebaud that Germany's economic progress was very slow as long as she engaged in public works of the usual character, and that the marked so-called recovery came only in 1935 when conscription was introduced and the whole national life geared on military lines. The only lessons that can be learned from the operation of the Nazi economy are related to the management of a war economy. The rigid control of foreign exchange will probably have to be applied by democratic countries in war, when criteria of economic welfare have to be subordinated to military considerations and when inferior *Ersatz* must be used in lieu of cheaper and better materials to be imported from abroad. Furthermore, the position of labor in the new régime shows that in a war-economy prices and wages can be minutely controlled if and when labor is deprived of collective agencies of bargaining to secure for itself a just share of the total social product, which now goes largely for war purposes. There is little, indeed, in the Nazi economy that denotes genuine economic progress.

Although Mr. Guillebaud's book seems to this reviewer to be based on a fundamentally mistaken method of inquiry, it is nevertheless valuable, since it contains a good deal of data which are difficult to obtain otherwise, and also because it may serve as a perfect illustration of how not to write a book on a totalitarian economy. The classical economists never thought of economic processes as in a social vacuum, as minor epigones of the classical school only too often do. Adam Smith never committed the follies of which some of his so-called disciples are guilty. A perusal of *The Wealth of Nations* should guard effectively against the unfortunate dissociation of economy from politics into which so many of our economists have fallen.

WILLIAM EBENSTEIN.

University of Wisconsin.

Die Revolution des Nihilismus. By HERMANN RAUSCHNING. (Zürich and New York: Europa Verlag. 1938. Pp. 510. $3.25.)

In the ever-growing literature on National Socialism, which is already beyond the grasp of any one individual, this book surely is among those few volumes that will last. Both the personal background and the intellectual qualities of the author give a very special value to this analysis. He was one of the members of that higher bourgeoisie who supported the Hitler movement in the hope that its patriotic efforts might be realized with the elimination of its dangerous demagogic tendencies. Later, as the Senate president of Danzig, he was in intimate contact with many leaders of Nazism and had opportunity more closely to observe the Führer. He is, furthermore, trained in the great German philosophy and political science, and his occasional indignation and despair never run to excess.

For Mr. Rauschning is surely an embittered man who looks broodingly into the German future, and he is conscious of the fact that the *Herrenklasse* of his country missed its historic duty when it did not stop at the right time the extreme brutalities of its Nazi allies. Whether or not such judgment is correct does not alter the real merit of the book. Neither does its manifestly naive suggestion that Hitler should now be stopped by a "renewed conservatism" with the help of a legitimate monarchy on a broad popular basis. The true significance of the work lies in a new and original presentation of the collective psychology of the Nazi movement. The author believes that the Nazi ideology has been taken too seriously, whereas it has actually been only a smoke-screen which none of its leaders accepts at face value. Its only real function is partly to strengthen, partly to hide, the real essence of the movement: a purposeless dynamism, a complete nihilism which intends to destroy all the organic elements of the German society and to build up from above a machine for conquest and the expansion of power. One can no longer speak of genuinely rational aims of the Nazi policy, in either internal or international relations. It is a kind of gigantic Frankenstein which is *en marche*, and which must march with ever louder noise and with growing lust for power. That is the reason that anything can happen in Germany.

From this point of view, the whole policy is one of "*ungewisse Fernziele*" whose only clear objective is a new division of the whole world under the hegemony of the German genius. The drab Marxian class-struggle has become a blazingly glorious "class-struggle among nations." All that was organic, deeply rooted, spontaneously coöperative, in Germany is now destroyed. A universal serfdom is approaching, in which not only the proletariat and the small peasantry are to be thoroughly conscripted, but also the great historical forces of the Prussian army and bureaucracy. To achieve this, all the moral standards of the nation, the

whole common Christian and European inheritance, have been destroyed, and purely biologic values are emphasized in an utterly pagan atmosphere. The persecution of the Jews is only the "propaedeutics" of a far more cruel and relentless revolution.

The author likes to speak of a national German Bolshevism, because the totalitarian aims of Nazism are absolute, and because Hitler would not hesitate one moment to embark upon a totally communistic policy if the war machine could not be increased otherwise. One of the strongest and most recurrent suggestions of the author is the possibility, even the probability, of a close alliance between Soviet Russia and Nazi Germany. This combination could serve as the final instrument for achieving a new division of the world and would be supported by a strong unity of economic interests, the mutual admiration of power, and the mutual hatred of all institutions and policies which regard "the damned individual" as supreme. The imperial army becomes more and more a captive of the totalitarian revolution, in which strong, ambitious, ruthless Heroes will find opportunities which no other form of government can offer them.

All these and many other considerations are elaborated by the author with great acumen and sobriety, and always have the authority of personal experience. Contrasting this apocalyptic dynamism with the impotence of the remedies proposed by Mr. Rauschning, one has the feeling that the most cynical visions of Spengler are now on the point of immediate realization. The picture may be exaggerated, but nobody will doubt that the collapse of the values of European civilization must lead towards adoption of the methods of an Attila or Genghis Khan, facilitated by the most modern scientific achievements.

OSCAR JÁSZI.

Oberlin College.

The Process of Revolution. By GEORGE SAWYER PETTEE. (New York: Harper and Brothers. 1938. Pp. 164. $2.25.)

Mr. Pettee, an instructor in government at Harvard University, has undertaken the ambitious task of examining the timeless problem of revolution. The author displays an insight and grasp of the fundamental problems involved which do credit not only to him but to the subject with which he deals. He has cut through to the bare bones of such controversial issues as the nature of revolution, the characteristics of prerevolutionary society, and the nature of the revolutionary crisis. Although he relies heavily upon the analyses presented by other writers since Aristotle, he has not burdened the reader with elaborate quotations from these authorities, although the essential contributions which they make are well summarized and dissected. The one serious defect of the book, as the present reviewer sees it, is its failure to buttress the general argument

with relevant social data bearing upon the various revolutions which here pass in review.

Defining a great revolution as a "reconstitution of the state," Mr. Pettee looks beyond the mere transfer of power to basic changes in the purpose and institutions of political society. This involves not only the displacement of an old élite by a new one, but also radical transformations in the class structure of society. Three main types of revolution are distinguished. First and least significant, the private *coup d'état*, or palace revolution, of which numerous examples are to be found in Latin America. The second type is best described as a mass *coup d'état*, which, although it involves no change in the basic social system, involves a transfer of power from a small ruling clique to a larger group. The third type is characterized as *social revolution* "in which the whole extrinsic social system is to be readjusted . . . formed by a new purpose expressed in a new myth." Mr. Pettee is aware that mere social change, although it may alter profoundly the character and structure of society, is not logically to be regarded as revolution unless accompanied by a political crisis and a comparatively abrupt transfer of power.

"Every revolution," he says, "represents a failure of the ruling class." But this failure may arise from a number of different sources. It may be due to the "dislocation or maladjustment between the forms of economic production and the forms of property," and/or "the progressive isolation and decay of the governing class," and/or the "cyclical spoiling and chastening of classes as in the theories by which Plato and Aristotle explained the Greek revolutions." Underlying all revolution one finds social maladjustment expressed in the hiatus between existing institutions and practices and the demands made upon them. This hiatus Mr. Pettee describes in terms of social *cramps*. "A revolution takes place," he says, "when the great majority of this society feel cramped beyond tolerance." These cramps may be *institutional*, when existing institutions are no longer able to cope with the insistent problems of the day; *economical*, when the potential production and distribution of goods are hampered by outmoded property relations; *ideological*, when old social myths in terms of which a society is held together are impoverished by lack of any correspondence with social realities. In addition to these, there may be *social* and *political* cramps, resulting from changes in the size and composition of social classes, the development of revolutionary ideologies, and from a badly designed state machinery unable peacefully to adjust itself to social change.

"Society on the brink of revolution is in a crisis . . . swinging like a ship under its rudder to a new course." The nature of the revolutionary crisis may be economic, social, or political, or a combination of these. It is characterized in any case by dissolution or a widespread demand for

the reconstitution of the state. The revolution does not necessarily involve an attack by a powerful new force upon the state, but is usually preceded by a decline of loyalty to the state apparatus to such an extent that for practical purposes "power ceases to exist." This withdrawal of loyalty is most important in the case of the army. When a ruling élite, whether defined in personal or institutional terms, can no longer command the allegiance of the armed forces, its days are numbered. It is characteristic of revolution that the dissolution of the old state is followed immediately, or within a short time, by the establishment of a new state capable of commanding enough support from the armed forces of society to maintain itself in power. In this process, victory will go to those who not only command the instrumentalities of violence, but do not hesitate to use them. For this reason, a revolution is always a period of agony for advocates of political moderation, since it evolves naturally through terror to dictatorship and subsequent stabilization.

Most of the revolutions with which Mr. Pettee deals are revolutions from the left. The newer type of revolution from the right, expressed in modern fascism, is given very little attention. There is an implied promise in Mr. Pettee's discussion, however, of an independent examination of this new revolutionary phenomenon. Until that study is available, one must withhold comment concerning the extremely superficial discussion of fascism contained in the present volume.

In conclusion, Mr. Pettee asks "Is revolution necessary? How can it be prevented?" The author is too much of a realist to dismiss revolution as due simply to subversive elements or the agitation of malcontents. He realizes that its sources go much deeper than merely personal maladjustments. But this does not lead him to conclude that revolutions are inevitable. They can be avoided by avoiding the accumulation of a multitude of minor cramps which exist in society. Certainly a democratic state, responsive to the demands made upon it and vigorous enough to liquidate insecurity by social reconstruction, need never necessarily go through the fires of revolutionary upheaval.

PETER H. ODEGARD.

Amherst College.

America in Midpassage. By CHARLES A. BEARD AND MARY BEARD. (New York: The Macmillan Company. 1939. Pp. 977. $3.50.)

This book is an elaborate postscript of *The Rise of American Civilization* which the authors gave to the world in two notable volumes a dozen years ago. It completes a remarkable trilogy which will stand for some time as the most engaging general survey of American history that we have. One does not need to share the Beard point of view in order to derive both profit and enjoyment from these writings. For there are fundamental

merits which every fair-minded reader will easily recognize, and some of them are so conspicuous that they assure the books an almost unique place in the literature of American history.

The present volume maintains, for the most part, the high standards which were set in the earlier ones. There is the same sweep of vision and catholicity of interest, the same originality and courage in the interpretation of facts and forces. The earlier brilliancy of style is also there. But most of the even-handed objectivity is gone. To say that *America in Midpassage* is an impartial or impersonal survey of developments in American life during the past fifteen years would be to give it a designation which it does not deserve and which the authors probably did not intend it to deserve. When history is written by contemporaries, an insistence on rigorous non-partisanship is asking too much.

It would be asking far too much in a book which deals with such highly controversial matters as this one does. Not for a generation or more can we hope to have anything like an unbiassed evaluation of what the old order failed to do or what the New Deal has done. Then this vignette of America in transition will go into the family album as a souvenir of the days when even the most accomplished historians could not resist the urge to appraise men and events, as Lingard and Macaulay long since did, in the infrared or ultraviolet light of their own social and political philosophy. At any rate, the lively partisanship which colors many pages of the present volume, especially in the discussion of American foreign policy, can hardly avoid some impairment of its influence upon the minds of non-emotional readers both now and hereafter.

To political scientists the book is of particular interest and value because it so shrewdly and intelligently discusses both the merits and shortcomings of American domestic policy during the years which have intervened since the economic sunset of 1929. Here the authors have succeeded in demonstrating that a certain amount of historical continuity has marked the seemingly hectic developments of this interval. Their attitude towards the landmarks of New Deal legislation is sympathetic in the main, but barbed arrows of criticism are let fly at times. Purposes are elucidated and approved, while the technique of performance is characterized as a medley of "confusions, uncertainties, and uproars."

By far the most noteworthy and praiseworthy feature of the volume is the attention which it devotes to the social and intellectual developments of our day. No one else has been able to do this so comprehensively and in such an interesting way. Such things as the radio, the motion picture, the pulp magazines, and the columnists have become forces of far greater importance in American life than most of us realize. The authors of this book have done their part in helping to promote such a realization. Developments in science, literature, and the arts likewise get their due

share of attention, although here the authors leave much to be desired in the discrimination with which they have picked and chosen. One would surmise from these pages that the only worthwhile American contributions to art, letters, and social philosophy during recent years have been blown in on the breezes which came from the Left.

All in all, however, a difficult and hazardous enterprise has been well performed. A formidable array of material has been intelligently sifted and the significant things woven into a fascinating narrative. If the book is provocative, perhaps needlessly so in spots, it is well-informed and enlightening also. If its wealth of detail is sometimes bewildering, how could anyone portray the years through which we have just passed and leave them shorn of bewilderment? Better books of contemporary history than this may yet be written, but not many of them.

WILLIAM B. MUNRO.

California Institute of Technology.

The American Politician. EDITED BY J. T. SALTER. (Chapel Hill: University of North Carolina Press. 1938. Pp. xvi, 412. $3.50.)

The idea of publishing more material about politicians is entirely sound, and Professor Salter is to be congratulated upon his editorial initiative. The field of political science is not exhausted with the study of political dogma, public law, comparative government, and political movements. Systematic politics includes the study of the changing influence of various personality forms and social types.

Praiseworthy as the goal of this volume is, we may register disappointment with the scheme and scale of the editor. There is no visible unity in the book. The nineteen politicians are selected according to no explicit plan, they are described according to no perceptible method, and they are compared according to no apparent standard. The book is conglomerate: it is certainly not marble.

It is worth speculating about how unity could be brought to an enterprise of this nature. Ten politicians from huge metropolitan areas might be compared with ten politicians from middle-sized cities. Ten agitators might be compared with ten organizers. Ten radicals might be compared with ten conservatives. As it is, the selection is capricious in the extreme.

Some measure of unity might have been attained by the use of a minimum number of points to be covered by each collaborator. This would have allowed for great diversity in treatment, but it would have made it possible to summarize some findings at the end. As it is, the articles are almost perversely non-comparable. This does not imply that some of the essays are not excellent examples of different ways of making political sketches. Professor Salter has reprinted his sketch of Sol Levitan, which is a classical piece of field reporting. Professor Brooks writes about

ex-Congressman Maverick with seasoned regard for systematic schemes of studying political figures. Duncan Aikman has prepared a phenomenally brilliant report on the technique of James A. Farley.

Let me propose a possible method of advancing the comparative study of politicians. Divide the career line of the subject into arbitrary periods (halves or thirds or quarters). Is it possible to predict the way in which the politician would meet later situations by the analysis of how he met earlier ones? This calls for the use of categories to compare the different situations with one another (the balance of threat and opportunity in the environment of the politician). If satisfactory categories are not at hand for making these comparisons, it means that the political scientists have not yet done their job.

The distinguishing skill of the professor is methodical analysis. He may or may not be the equal of the journalist as an observer or as a vivid impressionistic writer. The chief defect of the present anthology is that the special skill of the professor has been so sparingly used.

HAROLD D. LASSWELL.

William Alanson White Psychiatric Foundation.

Public Opinion in a Democracy; A Study in American Politics. By CHARLES W. SMITH, JR. (New York: Prentice-Hall, Inc. 1939. Pp. viii, 598. $4.00.)

Public Opinion. By WILLIAM ALBIG. (New York: McGraw-Hill Book Company, Inc. 1939. Pp. vii, 486. $4.00.)

In the relatively learned language of the social sciences, the term "public opinion" is a recurrent and persistent one. Discussion of public opinion has, however, frequently been so vague and general as to be ineffective because of its own generality. It is far more simple to say what public opinion is not than to say what it is. If it is to be more than an unintelligible and somewhat useless formula, some adequate definition and consideration are essential. The two volumes under review demonstrate the not unsuccessful effort of American scholarship to explain its varied meanings, to indicate its influence, both in the United States and in Europe, and to explore its implications and its dangers in contemporary society.

According to Professor Smith, public opinion in a democracy is "made up of the opinions of men living an associational life and affected by their contacts with one another" (p. 17). Professor Albig writes that "opinion is any expression on a controversial topic. Public opinion results from the interaction of persons upon one another in any size or group" (p. 3). In developing his thesis, the former emphasizes in detail the subtitle of his book, "A Study in American Politics." There are useful, but only

incidental, comparisons with other democracies and with dictatorships. In successive chapters, he analyzes the various instrumentalities in the struggle for the form and substance of political power. The most important of these are, of course, the conventional ones such as the newspaper, the radio, censorship, propaganda, pressure groups, education, leaders, and demagogues. In addition, there are considered matters which usually find inclusion in general treatises on American government, but which the author discusses in their relation to public opinion. Thus, political parties, presidential nominations and elections, the Supreme Court, representation, sectionalism, and the suffrage receive descriptive analysis. Professor Smith explains how, in a modern democratic state, where government by representatives is thought to be a fundamental element, there has not been a real emancipation from control by special groups. Some of these groups are, it is true, very large and influential; others represent small, but busy and very relentless, minorities. Specifically, he endeavors to explain democracy as the people of the United States have understood it and attempted to achieve it. There is expressed a profound belief in popular as against autocratic government, together with a realization that democratic dogma and the firm realities of politics are often widely and dangerously at variance. He is concerned at the retreat of representative government before fascism and believes that the defense of democracy depends upon the support of labor and the middle class. How to organize this support effectively is not made very clear.

While the book by Professor Smith contains little that is new, it is a competent summary of public opinion, in democratic countries at least, as the "robust and sovereign force that controls government and political institutions." It is informational, both to those of college age and to those who are under no compulsion of academic discipline.

The work by Professor Albig is more comprehensive in method and in scope than that by Professor Smith. It is well documented and well written. There is a wealth of illustrative material, selected from European and American experience. Those who dwell in or near the borders of the psychological and sociological guilds will appreciate the discussion of such concepts as psychological processes, attitude scales, measurement tests, controlled stimuli; to many political scientists the contents of these chapters, about one fourth of the book, constitute a body of esoteric knowledge. They will admit the criticism of the author that "they have lagged in the application of experimental and quantitative techniques . . ." (p. 166).

The foundations of public opinion and its significant relation to the social process are examined in detailed and comparative fashion. The relation of opinion to the speed and diffusion of communication is made

clear; and this is important because the various methods of communication, even when distorted, regulated, and controlled, remain the bases upon which group opinions are formed on controversial issues. Language, printing, the radio, and the motion picture have simplified and extended mass communication. By integrating skillfully the numerous and divergent sources, the author has traced historically the origins and development of many of the factors which enter into the formation of public opinion. Methods and devices to affect the opinion of various publics, from the censorship of the mediaeval church to the brutality and violence of the modern dictatorships, are indicated. Students of political science will find most useful the chapters on censorship, the art of propaganda the radio, and the motion picture.

Two conslusions are evident from both books. First, the belief that man is essentially a rational being is again refuted. In human affairs, emotion rules most of the time. To increase the amount of realistic thinking by the common man, which Professor Albig believes is essential, will require more, if not better, Institutes of Propaganda Analysis, together with adequate methods of thinking, intelligence, and understanding. Second, democratic and representative government is threatened by the power and selfishness of ubiquitous pressure groups, which put an ever-increasing strain on political processes.

Nineteen tables, eight figures, and a comprehensive bibliography are useful features of Professor Albig's volume. Both books contribute, in somewhat different ways, to a better understanding of public opinion.

THOMAS S. BARCLAY.

Stanford University.

The Rise of American Naval Power. By HAROLD SPROUT AND MARGARET SPROUT. (Princeton: Princeton University Press. 1939. Pp. vii, 398. $3.75.)

As its title implies, this is a general history of the United States navy. It covers the period from 1776 through 1918, at which point a sequel is to pick up the account and carry it forward to the present time.

Running through the volume as a central theme is the story of American naval politics, especially that phase of it having to do with naval appropriations. Attention is frequently called to the conflict between political expediency and naval efficiency. Thus a contrast is drawn between the numerous ill-equipped yards that resulted from domestic log-rolling and the fewer and much more complete yards on the shores of certain foreign lands. By alluding to the statements of presidents, navy officers, and members of Congress, and by means of statistical analyses of congressional votes on specific bills, the Sprouts give a praiseworthy definiteness to their account of naval politics which makes it a valuable

contribution to the literature of the subject. Still, it must be admitted that they are rather silent regarding the influence of munitions-makers.

Developments in naval strategy constitute a second prime train of thought. The Sprouts analyze evolution in this sphere as consistent champions of Admiral Mahan's thesis that a nation should have unified fleets of capital ships with which to drive off enemy concentrations and retain "command of the sea." For instance, the authors state that the use of heavily armed squadrons by the British during the Revolution and the War of 1812 gave them a great advantage over the American navy, committed to the converse practice of distributing lightly armed commerce raiders and coast defense boats over a broad area. In the main, the championing of Mahan's doctrine is convincing, but when the authors state that the British "brilliantly" demonstrated its value, by "controlling" the surface of the ocean during the World War, they seem to accord somewhat too much prescience to Mahan. In view of Admiral Sims' estimate that the enemy U-boat campaign was removing some 640,000 tons of allied shipping per month from the "surface" of the ocean, in the spring of 1917, and had then reduced the available tonnage to a point barely above the absolute minimum essential to victory, one may fairly question the "brilliance" of the British navy's command of the sea.

Interwoven with the political and strategic story of the American navy is an account of major technological changes in that branch of service. For example, the Sprouts summarize the advent of steam-power and the rise of the iron-clad. The authors indicate that evolution has been relatively slow in the American navy, compared with progress abroad, and refer to some of the causes. Among the latter was the early opposition to steam propulsion on the ground that the United States did not have convenient colonies at a distance in which to refuel and refit powered craft.

A fourth theme is the relation between foreign policy and naval programs. It is pointed out, for instance, that the frontier expansionists who favored the War of 1812 voted in Congress against the large naval program that might logically have gone with their sabre-rattling, while the big navy group in New England sought to avoid the conflict. By drawing such comparisons between foreign policy and naval activities, the Sprouts reveal the serious lack of coördination that has often existed between these two phases of national life.

The contents of the volume are well organized and clearly presented. Moreover, the work is solidly informative and supported by extensive footnotes.

WILLIAM BEARD.

Pasadena, California.

Federal, State, and Local Administrative Relationships in Agriculture. By CARLETON R. BALL. (Berkeley: University of California Press. 1938. Two volumes. Pp. x, 461, xi, 463–1139. $10.00.)

The United States Department of Agriculture is a part of a federal system of which the state parts include the colleges of agriculture, experiment stations, and extension services (all receiving national grants), and also various state departments charged with functions relating to agriculture, forestry, and marketing. Recently the importance of national and state policies affecting land use to local governments has become more apparent also. A nice adjustment through various devices of cooperation among all three levels is required if our federal system is to be an effective form of government. A theory of federalism as organized combat, of emphasis on the "rights" of one part as against the need of the whole, is revealed as inadequate when one analyzes a concrete function.

The emphasis in Dr. Ball's study lies in the accumulation of factual detail illustrative of the operation of our federal system in the field of agriculture. In fact, the two volumes are chiefly given to illustrative reference to, and documentation of, coöperative regulatory and research activities, grouped under the topics of climate, soils, agricultural chemistry, agricultural industry, plant industries, and agricultural education, engineering, and economics. Data illustrative of state activities are not confined to California. Dr. Ball has left himself only a single chapter in which to define and comment. Although Dr. May points out in his foreword that these studies "are descriptive rather than critical," the political scientist would have profited, for example, from more guidance concerning the evolution of functions and their allocation to the different levels of government, with some indication of why some activities are apportioned to the national level, others to the states, and how the coöperation—or lack of it—in the twilight zone or no-man's land works out.

Dr. Ball comments (pp. 27–31) on viewpoints concerning national-state coöperation in research, but the problem is more complicated than one of attitude; there may be involved a clash of agricultural policy—the urging of a national program which a regional or state majority rejects. Nor is there an appraisal of the adequacy of the methods of coöperation that he approves in supplying a fresh and imaginative attack on problems of agricultural research and administration generally. The high degree of specialization and the emphasis upon national or state affiliation may lead to a neglect of, for example, interrelated regional problems. A study of such problems as the training and line of career of personnel from the point of view of encouraging more productive, and less conventional, types of coöperation would have made the book more valuable to the political scientist.

One regrets that Dr. Ball completed his first chapter before the adoption in July, 1938, of a joint agreement of the Department and the land-grant institutions concerning the establishment of county and state agricultural land-use committees through which coöperation will be attempted, and the administrative reorganization of the Department more recently. A discussion of these, and of the issues which lie behind them, would have given more coherence to the topic for the reader, who would have benefited from obtaining the views of one so acquainted with the development of agricultural research.

Political scientists—or some of them, at least—will become more useful as they acquaint themselves with subject-matter fields in which problems of political science exist—for example, public aspects of investment, natural resources, and unemployment. We have yet to work out the kind of writing that brings the special subject-matter field and its political science aspects into most effective relationship. In the present example, the reviewer believes that too great detail in subject-matter description, at too great an expense in cost of publishing and effort of the reader, has overwhelmed the presentation of the administrative questions and their elucidation; but he appreciates the fact that an agricultural scientist desirous of learning the range and variety of governmental coöperation in this field would find this apportionment of space more useful to him.

JOHN M. GAUS.

University of Wisconsin.

Federal Aid for Relief. By EDWARD AINSWORTH WILLIAMS. (New York: Columbia University Press. 1939. Pp. 269. $3.25.)

Principles and Methods of Distributing Federal Aid for Education. By THE ADVISORY COMMITTEE ON EDUCATION. (Washington: United States Government Printing Office. 1939. Pp. 99. $0.20.)

These books treat of two aspects of our newer problem of federal relationships—that growing out of increasing federal grants to the states, and the accompanying centralization of government.

Federal Aid for Relief summarizes the kaleidoscopic changes from the pre-depression era, when relief was almost wholly a local responsibility, involving a relatively small financial burden, often being doled out "hip pocket" fashion by agencies using archaic administrative methods, and carrying the stigma of "charity" or "pauperism," to the present time, when the national, state, and local governments are linked together in an increasingly integrated system, expending billions of dollars annually, using scientific formulas to determine "budgetary deficiency," and when the "clients" tend to regard "assistance" as their just portion. The federal grants to the states for public assistance have become a fixture, and this

inevitably entails some federal control. The problem for the future, according to the author, is to establish enough federal supervision to assure the maintenance of minimum standards, and yet to avoid a degree of centralization which will lead to a topheavy bureaucracy and to excessive resentment on the part of the states and localities.

Principles and Methods of Distributing Federal Aid for Education is not so much a record of things past as a blue-print of things to come. After careful consideration of the educational needs and financial abilities of the several states, the simple conclusion is reached that many states cannot provide adequate educational opportunities without federal aid. It is taken for granted that there will be a further expansion of such aid, and three plans for assuring a "defensible foundation program" in all states are presented. The ultimate federal grants required would range from $576,000,000 to $1,979,000,000 a year, depending upon the extent to which the states participate, and whether the grants are used solely for making possible minimum standards, or for the further purposes of equalizing educational costs and assisting the states in readjusting their tax systems. Some twenty-five years of gradual improvement would be required for full development of any one of these plans, and the initial annual grant should not exceed fifteen per cent of the ultimate grant.

The first of the books here reviewed is as carefully documented and as scrupulously objective as a doctoral dissertation should be. In view of Dr. Williams' official connections (formerly with F.E.R.A. and now with W.P.A.), perhaps he was wise in avoiding all controversy. But the reviewer could have wished for more discussion of the philosophy and the consequences of the colossal programs which are so matter-of-factly presented. The second work is more significant than its length, price, and paper binding would suggest. It was prepared by an eminently competent staff, and is the result of exhaustive study. It is intended largely for experts, making extensive use of tables, charts, technical terms, and statistical symbols. Nevertheless, the explanations, comments, and conclusions are lucidly written, and should prove of interest to every layman who is concerned with educational problems.

ROGER V. SHUMATE.

University of Nebraska.

Introduction to the Study of Public Administration. BY LEONARD D. WHITE. (New York: The Macmillan Company. Revised Edition. 1939. Pp. xiii, 611. $4.00.)

A complete revision and enlargement of his pioneering work in public administration has recently appeared from the pen of a more mature and experienced Leonard D. White. The organization of the material is changed slightly in the section on administrative structure and organiza-

tion. Two new sections have been added, one dealing with fiscal management, the other with the forms of administrative action. This latter includes some subjects which are almost always overlooked in the usual treatment of public administration. The author devotes nearly a hundred pages to an extremely valuable discussion of non-coercive forms of administrative action, inspection, licensing, administrative orders and rules, administrative adjudication, and sanctions. Some of these topics were dealt with in the old edition, but so much attention has been paid to them in recent rapid growth and public concern that the reader will receive a considerable jolt at the implications presented unless he has followed their progress as a specialist in this field.

The new section on fiscal management covers the traditional material in the organization of the fiscal machinery, budgeting procedure and problems, accounting and treasury processes, and auditing. The latter chapter emphasizes one of the minor criticisms that this reviewer would make of the whole approach of this volume as compared with the first edition, that here too much emphasis is placed on the processes of the federal government and not enough on those found in local governments. A short discussion of the reasons and trends in increasing cost of government would have added materially to the value of this section.

White is particularly at home in the section on personnel management. His treatment is shorter than in the first edition, but it reflects his valuable experience and contribution as a member of the United States Civil Service Commission. This section is perhaps the best short over-all description of personnel management that one will find in print today.

There is no attempt to make a study of the comparative administrative processes of other countries. Naturally, there are numerous references to comparable or distinguishing operations, but the author admits that the larger task of a comparative study remains to be undertaken. One decided omission in both editions has been an assembly of the leading references into a comprehensive bibliography of suggested readings. The author of a work of this sort should remember that Charles Ascher has shown that practically every college and university in the country now has some instruction in public administration. The literature and reports are too numerous for the smaller institution to afford or assemble. The teacher and research student needs suggestions on the best material on the various topics to be studied in a comprehensive course.

If it could be said by a reviewer in 1926 that "the book is a notable contribution to the study of public administration," this reviewer in 1939 can add only that the author has now given us from his scholarly background and practical political experience the best, most readable, and most easily understandable study of public administration that has been written.

EDWIN A. COTTRELL.

Stanford University.

The Royal Prerogative, 1603–1649; A Study in English Political and Constitutional Ideas. By Francis D. Wormuth. (Ithaca: Cornell University Press. 1939. Pp. x, 124. $2.00.)

This admirable little book is an illustration of the fact that it requires time—often a very long time—for the passions aroused by a great constitutional struggle to cool sufficiently to permit a balanced and reasoned estimate of the conflicting issues. Even after the lapse of three centuries, it is hard to find today an impartial statement or a satisfactory analysis of the constitutional causes of the English civil wars of the seventeenth century.

In some of the most recent studies of this fascinating period there remains such partisanship for either king or Parliament that the true issue is often obscured and the intent and motives of the leading figures misrepresented. From defects of this kind this study of the royal prerogative in the reigns of the first two Stuarts is noticeably free. But this is not its only or its principal merit. This consists in the masterly analysis, difficult to make because of the rapid political changes, of the conflicting views then held as to the nature and extent of the legitimate authority of the king and of his relation to the houses of Parliament. Hobbes was right when he saw in this great struggle nothing less than a contest for actual supremacy; but no account of it could or should satisfy us which did not take full account, as this study does, of the arguments from law and precedent used on either side. These are set forth here with clarity and comprehensiveness, and everywhere illustrated by a most judicious selection of pointed extracts constituting one of the greatest charms of the book.

The central issue is thus stated by the author: "Royalist writers, discriminating between state policies which looked abroad into the field of international affairs and questions of local administration, denominated the former 'matter of state' and the latter '*meum* and *tuum*.' For the royalists, the second field yielded to the necessities of the first; for the parliamentarians, the first must yield to the second." It would be hard to formulate more concisely the central problem of the royal prerogative. Most adherents of the king always admitted the inviolability of *meum* and *tuum* determinable in the courts of law, and parliamentarians up to the outbreak of the war conceded the existence of legitimate "reasons of state" not disputable by subjects. The conflict arose over the question of which must yield to the other in a case of doubt. I cannot follow Mr. Wormuth, however, when he would restrict this "matter of state" merely to international affairs as compared with "local administration." It was in this field of local administration itself that the chief menace of reason of state lay, and it was here rather than in foreign affairs that opposition to it first arose.

One might wish also that the author had stopped short before writing his two concluding paragraphs in which he seems to identify the rule of law with mixed monarchy and condemns the former as "a static social system" The "monistic state" is not necessarily the state of Hobbes or Filmer or Hitler, nor is the rule of law the negation either of sovereignty or of progress. This, however, has nothing to do with the author's main discussion; by that the book should be judged, and so judged it is likely to take its place deservedly as one of the clearest, most penetrating, and most discriminating interpretations we have of the English constitutional crisis of the seventeenth century.

CHARLES H. MCILWAIN.

Harvard University.

The British Constitution. BY H. R. G. GREAVES. (New York: The Macmillan Company. 1938. Pp. 296. $2.50.)

Students of British government are much indebted to the teaching staff of the London School of Economics and Political Science for a number of studies that combine scholarship and clarity, accurate detail and a grasp of the whole. Once again they have reason to welcome a book from this same source, and one which has all the expected merits.

Mr. Greaves here attempts a political rather than a legal analysis of the constitution and gives proper emphasis to the extra-legal factors in chapters on political parties, the church, the schools, public opinion, etc. All this he does very well and in unusually compact form. However, there is almost nothing here that will be new to those familiar with Mr. Greaves' previous work and with that of Professors Laski and W. I. Jennings. The book's merit lies in its readability, its close reasoning, and the author's happy knack of illuminating a familiar fact with a pungent phrase.

The general picture given the reader is that of a government and administration unified by a socio-economic system which confines not only all the important governmental posts, but almost the entire official, professional, and industrial hierarchy to the "sons of gentlemen" who have usually attended the public schools and who belong to the possessing class. This is shown to be true in the case of the civil service, the army and navy, the bench and bar, and the church. The educational system, with its state schools for the poor and its private "public schools" for the well-to-do, sharply divides the masses from those who can afford the cost of an education which is almost the sole gateway to the professions and to positions of authority. The public school education, further, is designed to strengthen class loyalty and the acceptance of "a social hierarchy based on wealth as the natural order of society." Public information is the near-monopoly of a "big business" press which can mold public opinion

in the interest of government policy, when, as at present, the government and the press lords are in general agreement.

This means that the British constitution as a working reality can be understood only if it is realized that all important institutions, governmental or not, are in the hands of a small propertied minority. Modern "socialistic" legislation, the income tax, and the rise of the Labor party "cannot yet be said to have in any way endangered the essential quality of the constitution, its integration by a single dominant section of the community." Like Professor Laski, to whom the book is dedicated, Mr. Greaves is in considerable doubt as to the outcome if a genuine working-class government should ever attempt, through control of the legally sovereign Parliament, to upset the established order, officered as it is by those who have every reason to preserve the status quo.

MORLEY AYEARST.

New York University.

Local Government in Europe. By WILLIAM ANDERSON AND OTHERS. (New York: D. Appleton-Century Company. 1939. Pp. xviii, 453. $4.00.)

As adequate as existing textbooks in the field of comparative European government may be, teachers of that subject have felt the lack of a more comprehensive treatment of local government in Europe. The appearance of this excellent volume, which deals with European local and municipal government, is a welcome addition to the Century Political Science Series. A void in an important field of political science has been partially filled by this book, which presents a general description of local government in England and some of the principal Continental countries. In addition to serving as editor of the volume, Professor William Anderson has also contributed a preface and an introduction. The sections on England, France, Germany, Italy, and Soviet Russia are from the pens of Professors R. K. Gooch, W. R. Sharp, F. M. Marx, H. A. Steiner, and B. W. Maxwell, respectively.

The authors have sought to provide within the limits of a single volume both textual and documentary material. Approximately 130 pages are devoted to bibliographies and to translations of fundamental laws and decrees. Sections of England's Local Government Act of 1933 are included, as are extracts from the French Municipal Code of 1884, revised as of 1937, and Personnel Regulations for Municipalities in France, revised to 1938. An excellent translation of the German Municipal Code (*Gemeindeordnung*) of 1935 has been made available, and pertinent sections of the Italian Communal and Provincial Government Law of 1934 are also included. In the chapter on Soviet Russia are provided translations of a Decree in Regard to City Soviets, 1933, of extracts from the Constitution of the R.S.F.S.R., 1937, of a Decree in Regard to the

People's Commissariat of Communal Economy, 1937, and of a Decree for the Improvement of the Financial Work of the Village Soviets, 1937. Many will find this documentary material exceedingly useful.

In the presentation of textual material, the five authors have observed a sufficiently uniform pattern so that the book may readily be used by those who desire to follow a functional approach in studying European local government as well as by those who wish to pursue the study of the subject on a country-by-country basis. The book also lends itself nicely to a comparative study of local government as between the democracies and the dictatorships.

In the preface the editor states that it would have been a "tremendous" task for a single author to write a book on European local government, and that it has "seemed better" to use the combined efforts of persons "almost ideally equipped to write their particular chapters." If, because of the focusing of expert attention upon each of the five systems of government studied, readers expect to find an intensive discussion of local government problems, they will be disappointed. With few exceptions, this volume does not go beyond a general description of local government. Highly desirable would have been a more extensive treatment of the structure and the functions of local government in two of the dictatorships about which comparatively little is written in English. However, these shortcomings are not serious, for the volume answers a need in a field where a book of this kind has been needed.

HARLOW J. HENEMAN.

University of Michigan.

The Germans in the Cameroons, 1884–1914; A Case Study in Modern Imperialism. By HARRY R. RUDIN. (New Haven: Yale University Press. 1938. Pp. 456. $4.00.)

One of the major difficulties standing in the way of the student of the complex problems of imperialism has been the lack of competent and trustworthy studies of the detailed working out of particular imperialist enterprises. In recent years, the gap between the sweeping and dogmatic generalizations about imperialism in the large, on one side, and the actual operation of imperialism on the spot, on the other, has been markedly narrowed. It is now becoming possible to undertake the re-examination of the general theories of imperialism, not on the basis of abstract speculation bolstered up here and there by a miscellaneous collection of facts and guesses, but on the basis of meticulous and detailed studies such as that of Mr. Rudin.

Drawing on years of research into all the available documentation and carried through with a notable honesty and fairness, Mr. Rudin's study of the Cameroons throws useful light on a variety of significant problems.

In scope, it is severely limited to an investigation of the German experience in the Cameroons: the causes and methods of the acquisition of the colony, the governmental set-up in its different ramifications, the exploitation of the economic possibilities of the region, and the relations with the natives. No effort is made to extend the examination beyond 1914, either into the World War or into the mandates era; nor, except by occasional implication, is there any effort to generalize far beyond the particular case.

For the political scientist, there is much of value in the book. The author has happily not limited himself to a routine exposition of the formalities of politics and administration either at home or in the colony, but has dug beneath the surface to demonstrate that throughout the entire period of the German connection with the Cameroons there was a constant interplay of forces and interests, occasionally working in the same direction, more frequently pulling toward different points on the political and economic compass. The elaboration of this theme leads into a highly suggestive discussion of the thesis that the government, although originally impelled into colonial activity almost solely by private economic pressures, was forced into an unsought freedom of action by the increasing divergence of interests among the private exploiters themselves —with real resulting benefits for the natives.

It is Mr. Rudin's general contention that the German administration of the Cameroons is not to be compared unfavorably with that of other colonies by other Powers, and he suggests further that if Germany had continued her colonial rule after the war it "would have compared favorably with the very best that the world knows today." But this comment must be set against the background of his earlier judgment that in the absolute sense no imperial or colonial system can be called "good." Certainly the record which he discloses here can lead to no facile optimism as to the good works of imperialism. Germany, on her own full admission, went into the Cameroons solely for her own economic benefit and remained there for that purpose. "In 1900," Mr. Rudin remarks, "during debate on a supplementary budget, it was stated frankly that natives feared and respected the Germans only when they actually saw soldiers." It may be that the German administration of the Cameroons was no worse than that of other colonies, but in the light of the story which Mr. Rudin realistically and discriminatingly unfolds this sheds no glory on either Germany or the other imperial Powers.

RUPERT EMERSON.
Harvard University.

The Arab Awakening. By GEORGE ANTONIUS. (Philadelphia: J. B. Lippincott Company. 1939. Pp. xi, 471. $3.00.)

Students of Arab nationalism and Near Eastern politics have long been

waiting for this important book. The author, born in the Lebanon, educated at Cambridge, formerly in Palestine government service, and more recently the Near Eastern representative of the Institute of Current World Affairs, has written with obviously careful research, wide knowledge, and a sense of responsibility an analytical survey of the origins, development, and problems of Arab nationalism, particularly those confronting the Arab world in its relation to the West.

His account of Arab nationalism would indicate that the movement (passing over the schemes of Mehemed Ali and Ibrahim as lacking indigenous origin and foundation) has followed familiar patterns. Revival of language and literature, fallen into a state of decay and degeneration, preceded national consciousness. Secret societies, ostensibly for literary or scientific purposes, became forcing beds for nationalism: "The story of the Arab national movement opens in Syria in 1847, with the foundation in Beirut of a modest literary society under American patronage." Attempted forcible Ottomanization by the Young Turks brought resistance, fanned Arab particularism to white heat, and sent the movement underground into secret societies with varied objectives. Arabs executed by the Turks became martyrs to the nationalist cause.

Although he limits his account largely to Syria and Lebanon, the author has drawn a credible picture of the movement—amorphous in character, lacking direction, waxing and waning in strength, yet preparing with the assistance of Western education a base for war-time and post-war nationalism.

The author is at his best in his treatment of the origins of the Arab revolt, the pledges to the Arabs, and the counter-pledges. New documentary material, such as the Husain-McMahon correspondence and the Declaration to the Seven, much of it previously unpublished, and personal testimony from participants lend strength to his dispassionate and critical analysis. Indictments of the Sykes-Picot Agreement and of the Balfour Declaration are not new, but Mr. Antonius' indictments carry conviction. No names are called, no lie direct is given; but under his marshalling of the facts few Allied or Zionist leaders emerge with untarnished reputations. Particularly unedifying is the account of the attempts of the British government to gloss over the vital contradictions of the Agreement and the Declaration with prior pledges made to the Arabs.

The author is not unaware of Sharif Husain's shortcomings, but he rightly castigates as unfair and meaningless the school of thought which contends that Great Britain, by choosing Husain instead of Ibn Sa'ud as her ally, "backed the wrong horse." His comments on the late T. E. Lawrence are interesting, particularly in the light of the latter's most recently published writings.

The question of Palestine ranks high, as it must in any book dealing with Arab nationalism. The author's evidence, much of it now available in recent White Papers, as to why Palestine is included in the area promised to the Arabs seems to make the Arab case incontrovertible, notwithstanding the later declarations of Sir Henry McMahon (1922 and 1937) and of the British government to the contrary.

The author is not indifferent to the fate of the Jews. "But the logic of facts is inexorable. It shows that no room can be made in Palestine for a second nation except by dislodging or exterminating the nation in possession." His only possible solution is the abandonment of political Zionism and its replacement by a "national home in the spiritual and cultural sense."

Issue can be taken on many points treated in the book. Nowhere does Mr. Antonius deal adequately with the internal weaknesses of Arab nationalism: individualism, sectionalism, religious division, lack of political education and training. Nevertheless, he has produced a book of primary importance, enriched by new and valuable material. It will not be pleasant reading for imperialists. Believers in political Zionism will find cold comfort in its pages. On the other hand, students seeking a sober and objective presentation of Arab nationalism and the Arabs' struggle for independence will find much of enlightenment and absorbing interest.

PHILIP WILLARD IRELAND.

Harvard University.

Knowledge for What? BY ROBERT S. LYND. (Princeton: Princeton University Press. 1939. Pp. x, 268.)

It is not easy to give an analytical summary of this valuable work within the compass of a review, but a clue to the thought of the volume is provided by the subtitle: "The Place of Social Science in American Culture." Under that overarching conception, the whole and the parts must be considered and judged. The first chapter deals with social science in crisis. For a time, natural science seemed to hold the center of the stage—as long as capitalism in expansion throughout the world could absorb and employ the machines and discoveries that poured out of shops and laboratories under the pleasing theory of universal and unending progress. Now the social sciences are called upon, even by practical persons, to answer, or at least throw light upon, the insistent issues of economy and government which shake the world from center to circumference. Scholars often shrink from tackling these problems under the smooth hypothesis that such matters do not fall within the scope of their business or that they must not act until they have got "the" facts in the case. Technicians in such affairs as money, banking, or administration are inclined to stick close to their lasts and avoid the larger context of

society within which they work. Chapter II explores the concept of "culture" and Chapter III the special pattern of American culture, including its strength and weakness, its assertions and contradictions, its opportunities and frustrations. "For the individual it is a pattern of extreme complexity, contradictoriness, and insecurity."

With Chapter IV, Mr. Lynd begins his direct examination of the social sciences in relation to culture. It is, he states tentatively, the task of these sciences "to discover what kinds of order actually do exist in the whole range of the behavior of human beings, what kinds of functional relationships between different parts of culture exist in space and over time, and what functionally useful kinds of order can be created in our contemporary culture." It is with part three of this task that social scientists are most likely to quarrel, by saying that we have nothing to do with what "ought" to be.

Mr. Lynd anticipates their objection, especially in Chapter V on values and the social sciences. He says to them in effect that there are assumptions, assertions, or intimations respecting values, or what ought to be or what is good, in the very topics they select for study. Few historians or economists will contend that one topic is as "important" or as "significant" as another; that it is as "useful" to study the changes in buttons on soldiers' shirts in the reign of Louis XIV as to survey the French Revolution or revolutions in general. But the social scientists are likely to insist that when a value-judgment has been exercised in the choice of a topic they handle it "objectively" in the manner of natural scientists, collecting "the" facts and letting the facts "speak" for themselves. They do not like that word "ought" or that phrase "care for improving the state of mankind." And Mr. Lynd might have been more emphatic in distinguishing between the kinds of topics and the methods of treatment. The historian, for instance, may conceivably proceed without assumptions respecting the nature of all things if his topic is "The Amount of Cotton Produced in Alabama between 1850 and 1860." But no such intellectual operation is possible in connection with such analogical topics as "The *Anatomy* of Revolution" or "The *Place* of Trade Unions in American Economy." The point is not that social scientists, in the choice of topics and in the treatment of large topics, "ought" to exercise value-judgments. The point is that they do this very thing all along, and that the exploration of this persistent and inescapable fact is necessary if we really want to be as honest, objective, and scientific as we can be, given our heats and distempers.

CHARLES A. BEARD.

New Milford, Conn.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

In the eighth edition of his *American Government and Politics* (The Macmillan Co., pp. viii, 814, $3.75), Professor Charles A. Beard follows the method used in past editions and continues his treatment of federal, state, and local governments as separate divisions. Approximately the same space has been allocated to the federal government as that given in the seventh edition; however, the material in these chapters has been thoroughly revised. The introductory chapters are planned to show the position of individual citizens in the United States and the rights that are secured to them in contrast to the position and rights of citizens in countries where other forms of government are used. This is done to meet the challenge offered by new types of government and should be received with favor, if Professor Beard's thesis is true that the vital concern of the American people is the preservation of fundamental liberties and the continuance of the democratic processes of government. Notwithstanding a general tendency among textbook writers to stress the growing importance of the federal government at the expense of the attention given to state and local government, Professor Beard continues to give approximately one-half of the space in the volume to a consideration of state and local governmental units and their relations with federal agencies. The very fact that this book has gone through eight editions not only speaks for its general acceptance, but also clearly shows the rapidity with which changes have taken place in the structure and functions of the United States government within the past decade. The author is successful in pointing out the nature and significance of the many changes. Few omissions of important information occur, and when one takes place, such as the failure to note the Bekins case upholding the municipal bankruptcy act of 1937, it is illustrative of the rapidity with which events take place today and the almost impossible task that is placed upon writers of textbooks in American government. The assistance of William Beard is acknowledged on the title page. The volume to a great degree maintains the spirit of previous editions and should meet with general acceptance by teachers of American government.—ROBERT S. RANKIN.

A voluminous manuscript is compressed into a thin volume of text (at least half of which is given to footnote citations and explanations) in *The History of Criminal Syndicalism Legislation in the United States* (Johns Hopkins Press, pp. 176, $1.50), by Eldridge F. Dowell. The condensation nevertheless gives a very complete account of legislative activity directed toward "criminal syndicalism" from its inception in 1917 down to 1933. Only incidental attention is paid to administration or judicial construc-

tion. It is significant that "the great bulk of this legislation came after the armistice, in the post-war period of economic unrest" and red hysteria. Directed ostensibly against the I.W.W., the laws were promoted by business and industrial interests, cheered on by the professional patriots, and abetted by many agricultural representatives. Even the A. F. of L., which subsequently opposed such legislation, was then divided upon the subject. The record shows that in nine states the state federations offered no objection to the legislation. The press is revealed as egging the public on "with a distorted picture of the I.W.W. which made the enactment of the criminal syndicalism laws almost a foregone conclusion." Almost without exception, it editorially supported these proposals wherever introduced. The popular response was so favorable that the legislative votes for adoption were overwhelming. But when the war hysteria waned there was a sharp curtailment in this type of legislative activity. "From 1922 through 1933, eleven criminal syndicalism bills were introduced in ten legislative sessions in six states. Only in one state did one of these bills pass a single legislative chamber . . . " Lest it be thought that this change represents a mood of full repentance, it is pointed out that of the twenty-three states and territories that had adopted criminal syndicalism laws, only one (down to 1933) had repealed its act and only three had curtailed their laws. Even initiative campaigns in the direct-legislation states failed to place repeal proposals upon the ballot. The failure of the public to respond to these pleas for toleration indicates that the evangel of democracy still needs home missionaries outside of the Supreme Court.—CHARLES MCKINLEY.

The Municipal Year Book, 1939 (Chicago: International City Managers' Association, pp. viii, 587), edited by Clarence E. Ridley and Orin F. Nolting, is the sixth edition of this contemporary record of municipal affairs. A fit addition to a series of distinguished volumes, it is divided into six major sections. Part I, with its digests of current developments in municipal administration, provides the over-all view. Only the necessary brevity of these summaries limits their all-inclusiveness. Part II, in addition to the material on inter-city contests and the governmental data pertaining to cities over 5,000 population, reviews precisely the work of state municipal leagues and the trend in federal-city relations during 1938. Part III not only contains municipal personnel data for 834 cities, but also such important collections as the directory of officials in cities of more than 10,000 population and the city-manager directory. Part IV deals with municipal finance and debt trends and includes also a substantial article on the controversial subject of intergovernmental tax exemption. The latter is acknowledged as something of a departure from established editorial policy—in this instance, a very wise one. Part

V is a new section compiled in response to the requests of readers. It deals with line or service functions, whereas previous editions have emphasized the staff functions. This original and valuable section, incorporating statistics on police, fire, utility, welfare, health, library, and recreation administration, might in the future be expanded, even if some of the older sections should be printed only on a biennial basis. For the administrator and the student, Part VI, which summarizes the sources of information, is of particular convenience. In the foreword the editors acknowledge the services of officials, correspondents, and consultants; and surely these collaborators, and all those involved in the field, appreciate the efforts of the editors and their product. For one actively engaged in or genuinely interested in city government, the *Municipal Year Book* is indispensable.—A. W. BROMAGE.

Arthur M. Weimer and Homer Hoyt's *Principles of Urban Real Estate* (Ronald Press Co., pp. xiv, 332, $4.00) is intended "both as a textbook, and also as a guide to practical men of affairs." The book falls into two sections, the first dealing with "The Economic Background of Cities," "The Dynamics of City Structure, Districts, and Neighborhoods," and "Techniques for Analyzing City Structure," etc. The second half deals with valuation of urban real estate, subdividing and building, financing, the sale and transfer of urban real estate, and management and regulation. In the first part, there is an acknowledgment of the importance of community factors in determining value. Although one might quarrel with the sector theory developed by Mr. Hoyt and with other statements in the book, this first section is important because it emphasizes a fact little known by real estate salesmen and brokers—that values are determined largely by community policies, and by factors such as relationship of a particular site to the city as a whole, population trends, industrial trends, community planning, etc. The second part of the volume is a traditional and conservative statement of common real estate practices. It should be obvious from the chapter on valuation that the appraisal of real estate today is largely a matter of guesswork (called "judgment"). The authors' attitude toward governmental control can perhaps best be judged from the fact that they speak of "limitations established by zoning ordinances" instead of considering such zoning ordinances as advantageous controls for the protection of real estate. In spite of factual errors—such as "Thereafter, a 'zoning and planning commission' is usually set up to administer the ordinance. Changes in the act or map usually depend on at least a '20 per cent protest' and a vote of two-thirds or three-fourths of the commission" (p. 279)—the book serves a useful purpose because it points out, at least in the first part, that a broader approach to the study of real estate practices is needed than has custo-

marily been employed. The book closes with appendices which list materials for study, examples of deed restrictions, the Sheridan-Karkow formula for determining the relative rental value of office space, and the code of ethics of the National Association of Real Estate Boards. There are also an author's index and a subject index.—WALTER H. BLUCHER.

Division of Costs and Responsibility for Public Works (U. S. Government Printing Office, pp. iv, 193, $0.25.) is a report to the National Resources Committee. Section 1, which consumes more than half of the space, is a statement of principles and policies prepared by Simeon E. Leland. Sections 2 and 3 consist of a series of papers selected from research materials prepared under the general direction of the late Robert Whitten. In an appendix, there is a brief discussion of the subject of British grants-in-aid. The authors of the papers that appear in the latter half are Harry L. Case, Harold W. Metz, and Charles M. Wiltse. Professor Leland seeks to fit a permanent program of public works by the federal government into a rational financial plan. Such a plan would mean the utilization of public works as one phase of an economic stabilization program and would require, therefore, more refined methods of dividing costs than the simple and arbitrary apportionments of the past. Since the author envisages a system that is highly eclectic, he is unable to develop the outlines of a tangible program or plan. He indicates important lines of research that must be followed and recognizes that only through an enlarged administrative discretion can satisfactory cost allocations be achieved. Also very essential is the development of coöperative procedures between federal and subordinate governments. There is the specific recommendation that in order to provide for the proper timing of public works and the adoption of appropriate fiscal policies, final decisions on these matters should be lodged with a fiscal advisory committee composed of the President, the Secretary of the Treasury, the Director of the Budget, the chairman of the National Resources Committee, and the chairman of the Board of Governors of the Federal Reserve System. Section 2 of the report is largely historical and descriptive and discusses federal public works and grants-in-aid. Section 3, which considers bases and methods of cost allocation, overlaps in part Professor Leland's discussion, considering briefly such topics as special assessment districts, special development authorities, government-owned proprietary corporations, and interstate compacts. The report as a whole is interesting, suggestive, and valuable for bringing together pertinent information in concise form. The reviewer can hardly regard it as a significant contribution, since earlier studies and reports have traversed various phases of the subject more thoroughly.—MARTIN L. FAUST.

Tax Exemptions (Tax Policy League, pp. vii, 237, $3.00), a symposium with fifteen contributors, is the third publication of the Tax Policy League growing out of its annual meetings; and as in previous years, the list of contributors is impressive and diversified. The lack of comprehensive studies of this subject lends importance to the volume. Many aspects of exemption are under consideration. Newer topics considered are exemption of public and limited-dividend housing projects and the luring of industry through tax exemption. Timely in these days of search for new sources of revenue are articles on homestead, sales tax, and death tax exemptions. The chief value of the book lies in bringing together a necessarily brief but informing discussion of many types of exemptions hitherto found scattered in periodicals. Exemption of educational, philanthropic, and religious organizations, and of governmental securities are considered from various viewpoints. The volume opens with an article on the general theory of tax exemption and concludes with a discussion of the exemption of improvements. *Taxation of Intangibles in Michigan* (University of Michigan Press, pp. lx, 156), by Robert S. Ford and William B. Wood, is the first of a new series of studies which should greatly interest students of taxation and tax administration. Comparative state practices form one of the principal features of the volume, with specific treatment of intangible property tax procedure in New York, Wisconsin, New Hampshire, Minnesota, and Ohio. With this background, two bills offered in the Michigan legislature are examined critically. The analysis will be helpful in any state in which intangible personal property tax legislation is an issue. The authors conclude that "an examination of the problem of taxing intangibles reveals the inequity and futility of attempting to tax such property under the general property tax" (p. 124). Reasoning is presented which may well be read as a warning against current attempts at legislative patchwork in taxing intangibles. Pertinent facts are stated fully and accurately and conclusions are drawn with scientific impartiality and fairness.—EDWARD W. CARTER.

The Initiative and Referendum in California (University of California Press, pp. viii, 423–598, $1.75), by V. O. Key, Jr., and W. W. Crouch, is an historical and analytical study of direct legislation. The opening chapter gives a brief account of the struggle to secure the adoption of the two devices. This is followed by an analysis both of the proposals advanced by means of the initiative and of the measures referred under the referendum. Campaign methods and expenditures are studied. Much interesting data on election behavior are presented. The tables show the extent of participation on both measures and candidates, the per cent who fail to vote, votes cast at special elections, etc.; and attention is given

to the various proposals which have been advanced to modify the initiative and referendum. The authors reach the conclusion that these devices, in spite of shortcomings, have amply justified their existence. There are several points upon which one might wish more information. The value of publicity pamphlets is mentioned, but no convincing evidence is given. The influence and power of minority groups might have been presented more effectively by giving the percentages of the "yes" and "no" votes on the various proposals. The study presents an interesting and favorable account of the operation of the initiative and referendum in one state; similar studies in other states having these devices are highly desirable.—WALDO SCHUMACHER.

State Aid to Local Government in California (University of California Press, pp. 223–422, $2.00), by Winston W. Crouch, represents an investigation of "state-local relations in California as shaped by state aids." The purposes of the state-aid program, its growth and development, the rôle of pressure groups in the determination of the functions and governmental units to be aided, the methods of administering the program, state administrative controls, and the financial problems involved receive major consideration throughout the volume. In addition to chapters on state aid for schools, for poor relief, for relief of unemployed, for public health service, for highways, for conservation of natural resources, a chapter is given over to state grants of tidelands to local governments. In his concluding chapter, Dr. Crouch discusses the problems respecting local government that result from the state grant-in-aid policy—notably the continuance of weak and inefficient units of government. He suggests, as a partial solution of the problem, the utilization of the state grant-in-aid as a device to encourage local coöperative arrangements and functional consolidation of counties without disturbing the institutionalized territorial status quo. This study has been carefully planned and thoughtfully and judiciously executed. It is not the fruit of investigation of documentary sources alone; it has been enriched by information gleaned from state, county, and city officials charged with the administration of state-aided activities. It may well prove the impetus and standard, if not the pattern, for similar studies of state aid in other commonwealths.—LUELLA GETTYS.

Robert S. Rankin's *Readings in American Government* (D. Appleton-Century Co., pp. xii, 644, $3.00) is prefaced with the explanation that "the many changes that have recently taken place in the government of the United States have created a need for a new collection of documents and reading material." The editor might have made the book more completely a collection of new documents. Instructors can probably find elsewhere

for use by their classes enough copies of the Articles of Confederation, Marbury v. Madison, and other American classics. Space might then have been available for an example of judicial support of personal rights, as in Near v. Minnesota, to accompany the illustration of judicial denial of an asserted right in Hamilton v. Regents. Two antediluvian cases restricting national power (child labor tax and Schechter cases) might have been omitted if necessary to make room for more recent ones (N. L. R. B. v. Jones & Laughlin and Steward Machine Co. v. Davis), reflecting the attitude of the majority of the Supreme Court as to the scope of national power. There are, however, many up-to-date selections, not conveniently obtainable elsewhere. Charles Michelson's revealing account of Democratic strategy in 1936 is one of these. The announced purpose of the collection is substantially achieved.—HOWARD WHITE.

FOREIGN AND COMPARATIVE GOVERNMENT

The celebration in June, 1938, of the tercentenary of the Swedish settlements on the Delaware brought many distinguished Swedish leaders to America. None of these visitors is better qualified to give to American students of government an evaluation of Swedish political institutions than the brilliant professor of public law at the University of Stockholm, Dr. Nils Herlitz, whose book, *Sweden; A Modern Democracy on Ancient Foundations* (University of Minnesota Press, pp. xiii, 127), is based on material used in lectures delivered at various American universities during the spring of 1938. While Dr. Herlitz enjoys an international reputation among the political scientists of the world, as a teacher, scholar, and writer, he is in no sense merely a cloistered observer of things political. For some years he has been a member of the council of Stockholm *län* (county), and he is now a member of the upper house of the Swedish Parliament. Dr. Herlitz's brief volume does not deal so much with detailed factual information as with certain distinctive features of Swedish political institutions. Because the author's interest lies chiefly in the field of public law, it is not surprising that the emphasis is laid on legal and constitutional aspects, and because Dr. Herlitz is an authority on Swedish administrative law, his comments in this field are especially significant. Among the particularly interesting items in this field are: the high type of civil servants and the status of such officials; the independence of administrative agencies from parliamentary meddling; the relation between courts and the administrative agencies; the wide publicity given to government documents; the participation of laymen in court procedure; the use of lay boards in local administration; the growth of the government corporation; and last but not least, the highly complicated (at least to the non-Swedish student) and oftentimes vague relationship existing between the various administrative agencies and the

particular departments under which nearly all of the many vigorous and semi-independent "central offices" are found. In spite of his interest in public administration, the author does not overlook other significant aspects of Swedish political affairs. True to the volume's sub-title, the historical foundations are discussed and the slow development of parliamentary democracy deftly sketched. The evolution of the Riksdag (500 years old in 1935) is clearly worthy of the careful attention of political historians. Those who are intrigued by functional representation should examine the four-chamber parliament under which Sweden, prior to 1866, so long operated. Professor Herlitz's affiliation with the more conservative party groups makes his comment on Swedish social legislation of special significance. In one of the best sections of the volume, under the title of "The Service State," he gives his approval to government control and operation of public utilities, and to the tobacco and liquor monopolies, but raises a question as to the value of the proposed gasoline and tobacco monopolies. He speaks without disapproval of the state health programs and says that all political parties agree that the state should help those in economic distress. He points out that the foundations for this policy were laid before the Socialists came into power, and that the differen ce of opinion between parties principally involves amounts of aid and methods of administration. Will aid to agriculture, needed as it is, result in the demoralization of the substantial farm class? How will the formerly independent and individualistic agriculturist react to being a "state farmer?" These are questions posed by the author. It is to be hoped that the appearance of this volume will stimulate so much interest in Dr. Herlitz's earlier contributions that translations of them will result in enrichment of the literature in English on the workings of democracy. —Ben A. Arneson.

Counting out the preliminary definitions in Chapter I, the "Recapitulation" (Chapter X), and the extensive critical bibliography, notes, and index (pp. 350–498), Shepard Bancroft Clough's *France; A History of National Economics, 1789–1939* (Charles Scribner's Sons, pp. ix, 498, $3.50) surveys 150 years of "national economics" in slightly more than 300 pages. Professor Clough admits that "the order is a large one, but the filling of the order is larger still." The reviewer does not disagree. The chief lines of inquiry are: (1) What constitutes national economic power? (2) What policies have been used to increase that power? (3) What have been the effects of these policies? State policies designed to increase the productive capacity of the nation are not, however, the sole object of investigation. The inquiry is expanded to include forces at work in the formulation of economic policies, classes or groups controlling policies, the degree to which control is used for selfish purposes, and so on. The

result of this broad-view surveying can be seen in the not untypical treatment, for example, of French pre-war foreign investments. These represented, it is estimated, one-third to one-half of all French savings. Professor Clough covers the whole subject in slightly more than four pages (pp. 253–257), and there entirely in terms of the use of loans as instruments of foreign policy. This explanation amounts to considerably less than one-half of the "inside story" of France which Professor Clough desires to tell to laymen, students, statesmen, and scholars.—J. G. HEINBERG.

Features and Figures of the Past (Stanford University Press, pp. ix, 760, $6.00, translated by Laura Matveev), by V. I. Gurko, is a description of personalities and events in pre-revolutionary Russia written by a tsarist bureaucrat during his exile in Paris. It is the story of misgovernment under the tsarist régime and the failure of the Russian autocracy and its servants to heed the warnings of the coming storm. It covers almost the entire period of the reign of Nicholas II, ending within two years of the revolution which destroyed Old Russia. M. Gurko, while not as reactionary as some of the statesmen he depicts in his memoirs, was nevertheless bound to the traditions of the privileged classes, who could not see that their irreconcilable attitude toward the demands of the masses would eventually bring about disaster. This record of indecision, intrigue, and procrastination, told by a high government official, shows why there was a revolution in Russia. The book is a contribution to a neglected period of Russian history and will serve as source material presenting the point of view of the imperial ruling class. The editorial work is excellent; the editor's notes and the appendix give the general reader necessary supplementary information concerning the maze of characters, places, and events mentioned by the author.—B. W. MAXWELL.

Die Rechtsstellung des Staatsanwaltes in Frankreich (Wurzburg: Konrad Triltsch Verlag, pp. 142), by Dr. Jas. Wilhelm Witt, is a study of the French system of public attorneys which will be of interest to students of legal procedure in the United States, where a somewhat similar system has developed. After an historical chapter, the volume deals with the organization of this branch of public administration and its functioning, not only in the field of criminal law but also in civil matters. At the end of the lengthy chapter on criminal procedure is a brief comparison of the French and German systems.—J. A. FAIRLIE.

INTERNATIONAL LAW AND RELATIONS

No one person will ever be privileged to write the complete story of the Munich "settlement," but Hamilton Fish Armstrong's *When There Is*

No Peace (The Macmillan Co., pp. 236, $1.75) makes a clearly significant contribution on the basis of the then available materials. Months have passed and additional *putsches* have kept Europe and the world in a continual state of tension, yet this sober survey by the editor of *Foreign Affairs* is good history writing and measures up to the high standard we have come to expect of him. This may well be the best general treatment in comparable space of the accumulation of the processes by which Europe was *Munichized*. The introductory chapter, entitled "The European Paradox," shows how the aftermath of the World War developed a longing for peace and a dread of further general war, which goes far to explain why British and French and Germans alike were willing to accept a policy of appeasement. Other chapters follow, such as, "The May Crisis," "Nuremberg," "The Anglo-French Plan," "Czechoslovakia Protests and Accepts," "The Godesburg Ultimatum," "Suspense," "Munich," "The Munich Agreement in Practice," and, finally, "Armistice." The book ends on a note of quasi-prophecy—that the aftermath of Munich "does not seem to be so much peace as an armistice," a situation which appears as true today as when Mr. Armstrong's words were written. The volume contains a valuable and carefully organized chronology covering the period from February to October, 1938; also the text of the Czech government's note of September 20 in reply to the Anglo-French plan presented the day previous, which, it is believed, had not theretofore been published. It will not be surprising if this little book becomes the standard history of one of the most momentous decisions of recent decades.—IVAN M. STONE.

Pauline Relyea Anderson has written a book, *The Background of Anti-English Feeling in Germany, 1890–1902* (American University Press, pp. xxiv, 382), which will be valuable to students of German history, to writers of diplomatic history, and to students of public opinion and propaganda. Although many historians admit that the formulation of foreign policy is dependent on domestic conditions, few have "attempted to approach foreign policy through a study of domestic policy and history." Acknowledging her methodological debt to Alfred Vagts in his *Deutschland und die Vereinigten Staaten in der Weltpolitik* and to William L. Langer, Mrs. Anderson has made a careful attempt to discover what persons, organizations, and interests were back of German Anglophobia of the 'nineties. After a survey of the views of personalities in the "Government group," the author studies the attitudes of the prominent parliamentary parties. This is followed by an interesting examination of the large propaganda organizations—the Agrarian League, the Navy League, the Pan-German League, the Colonial Society, and the Central Union of German Industrialists. Not content with a statement of

their aims and membership, Mrs. Anderson conducted extensive researches (in pre-Hitler Germany) into the political, social, and economic interests and connections of leading members of these organizations and gives a critique of their principal outpourings in Parliament, the press, and the journals created to serve their purposes. In Part II, the author presents a more detailed treatment of the Krüger telegram and the Boer War in relation to anti-English opinion. Mrs. Anderson has tapped sources scarcely, if ever, used in this country. Her method appears calculated to achieve its purposes admirably, and the result is a sincere and excellent piece of research.—HERBERT W. BRIGGS.

In his *International Monetary Economics* (Longmans, Green and Co., pp. 269), Michael A. Heilperin presents a challenging and provocative discussion of the theoretical bases of monetary internationalism. Heilperin questions accepted monetary theory at many points, undertakes the clarification of concepts with a view to making them more exact, and advances some new theoretical positions. In an important chapter on "Equilibrium in International Payments," the conclusion is reached that the process of maintaining stability in international monetary relations is the same where fixed parities between currencies are maintained and where "flexible exchanges" prevail. The usual opposition set up between fixed parities and flexible exchanges "must be abandoned as more apparent than real." It is pointed out that too much passion has been put into the discussion of whether to have a gold standard or not, and that the real problems are the objectives of a régime of monetary internationalism and the determination of whether a régime of monetary internationalism or a régime of national independence of monetary policies should be adopted. While Heilperin argues that flexible exchanges and monetary internationalism can exist simultaneously, he does not believe such monetary internationalism can be attained in practice and considers it more an "abstract possibility." He says: "The record of actual monetary developments seems to indicate that this abstract possibility has a low probability." Thus Heilperin comes back to the position that the adoption of an international monetary standard, presumably the gold standard, is most important for the maintenance of the long-run equilibrium in international payments. He emphasizes, as clearly he must, that the success of monetary internationalism is dependent upon a "firm determination to work the system according to its rules and upon the friendly coöperation of the various countries in the pursuit of a common goal." If political and more narrow nationalistic considerations dominate monetary policy, no international system can prevail. This volume, without question, is an important contribution to the literature of the subject.—NATHAN L. SILVERSTEIN.

As a study of the product of a particular tribunal, *The Jurisprudence of the General Claims Commission, United States and Mexico* (The Hague: Martinus Nijhoff, pp. xi, 342), by Dr. J. G. DeBeus, offers analyses of what was done on certain legal questions that are of practical importance to the international lawyer. Dr. De Beus explains that he has been guided in his selections by considerations of the probable value of decisions as precedents, by "general interest" in some of the dicta and arguments of the commissioners, and by the controversial nature of particular rulings. Quoting at length, sometimes for whole pages, from the texts of the Commission's awards, he has compared that body's pronouncements on various questions with what he finds to be the views generally taken by other tribunals and by publicists. At places throughout the volume there is rather strong criticism of the views of an American commissioner and of certain American publicists (as at pp. 31–32, 62, 64, 143, 167, 170, 185). Sometimes there are broad statements of principle, as in the reference to "the view taken by the majority of tribunals and writers, that confiscation of foreign property without reasonable indemnity constitutes a violation of the law of nations" (p. 229). Whatever disagreement there may be with the author on specific conclusions, the study seems of particular value on such points as the complicity theory of state responsibility, the "classic" theory of state control of claims, "political" elements in claims (in particular, some arising at Vera Cruz after the occupation of that port in 1914), the "international personality" of individuals in relation to reclamations, and indirect damages. The general organization of material might have been improved, and the use of such an expression as "condemned state" (p. 240) seems to the reviewer open to criticism; but in general the study is a careful technical treatment.—ROBERT R. WILSON.

Dr. Francis J. Brown is to be commended for having gathered together, as editor of the May, 1939, number (Vol. 203) of *The Annals of the American Academy of Political and Social Science* (pp. xvi, 271), a well-balanced and authoritative group of articles discussing the general topic of "Refugees." The editor's foreword is itself a clear window upon a distressing, confused world scene. The volume includes a list of materials in previous issues of the *Annals* back to 1906 related to the topics discussed in the current number (p. xvi); twenty-two articles, grouped under four general heads, "Underlying Factors of the Refugee Problem," "The Present Problems," "The Human Side of the Problem," and "Possible Ways Out" (pp. 1–201); and an annotated bibliography. Two "fact-pictures" and several statistical tables dealing with the distribution of minorities appear in articles at the beginning of the volume. About half of the contributors are academicians; the remainder, publicists and social

workers. All, however, have had direct contact with, or at all events display an intimate knowledge of, the refugee problem. No one can read the volume without recognizing that, in the words of Dr. Brown, "the refugee problem is a permanent one," and that "even such a crisis as faces the world at the moment is but another recurring cycle and should be met with judgment rather than emotion, with carefully developed plans, not hastily instigated sporadic efforts." Much of Part IV is devoted to these "developing" plans, private and governmental. "There is no one road, no panacea. Our only hope is that out of such an analysis (as is presented in this Part IV) will come a greater synthesis of effort."—HENRY REIFF.

Percy W. Bidwell's *Our Trade with Britain; Bases for a Reciprocal Tariff Agreement* (New York: Council on Foreign Relations, pp. x, 129, $1.50) is indispensable for readers who wish a brief and lucid presentation, well fortified with statistical tables, of American and English commercial policies and the resulting Anglo-American trade agreement. As the title indicates, the book was published before the completion of the final negotiations for the Anglo-American trade agreement; but the background and the English dilemma when considering the treaty are clearly presented with the aid of 27 tables in the text and the appendix. American colonial tariffs, imperial preference, and tariff flexibility in England and the United States are explained and summarized. A contrast is drawn between our slight modification of protectionism since 1934 and the British transition to protection in the period 1931–37. The effects of the Ottawa Agreements, on both American and Empire trade, are presented. The twenty British trade agreements concluded since 1933 are criticized for promoting bilateralism in international trade and are shown to differ in this respect from the agreements that the United States has concluded since the passage of the Trade Agreements Act of 1934. Professor Bidwell, an economist for the U. S. Tariff Commission, 1922–30, wrote this work under the general direction of a study group of the Council on Foreign Relations, but takes complete responsibility for the conclusions.—GEORGE W. SANFORD.

In the province of British Columbia there has been a Japanese problem very similar to that in California. Careful studies of the latter situation have shown that most of the popular beliefs were unwarranted, and now a similar study has been made for British Columbia which brings the data some years beyond the works on California. *The Japanese Canadians* (University of Toronto Press, pp. xxx, 295, $2.25) consists of two parts: the first, as stated in the title, by Charles H. Young and Helen R. Y. Reid, and the second on "Oriental Standards of Living" by W. A. Carrothers. The data have been collected painstakingly from official

reports, questionnaires, interviews, and investigations on the spot, and the conclusions have been reached with scholarly objectivity. In Canada, the problem arose somewhat later and was handled very much as it had been in the United States, even when the precedents were not altogether admirable. Thus, after various attempts to check Chinese immigration, an exclusion law was passed in 1923. Japanese immigration was controlled by various "gentlemen's agreements," which showed the willingness of the Japanese government to meet the objections of the Canadians. But as California has gone beyond other states in discriminatory legislation, so British Columbia has gone even beyond California. A Japanese may be a citizen of the Dominion, but even though native born, he cannot vote in the province. However, as the first two authors point out, the Japanese residents would be considered admirable citizens were it not for their color and race.—PAYSON J. TREAT.

The diplomatic activities of Estonia aimed at securing recognition comprise the main theme of Professor Malbone W. Graham's *Diplomatic Recognition of the Border States, Part II: Estonia* (University of California Press, pp. viii, 231–398). The narrative runs parallel to Part I of the same study, in which Finland's struggle for recognition was related. In contrast with Finland, Estonia suffered the disadvantage that her existence was not widely understood among the nations. Basing her action upon the juridical theory that, with the overthrow of the Russian Provisional Government, the territory of the Empire had become *res nullius*, Estonia declared her existence as a state on January 24, 1918, Professor Graham describes the efforts of Estonian leaders to secure the recognition of the Powers within the Supreme Council, the Council of Foreign Ministers, the League of Nations, and of the foreign offices of the several countries. Success came soon after the favorable action of the Supreme Council early in 1921. The texts of many relevant documents are appended to the volume. Presented as a study in diplomatic history rather than in international law, the work should prove of genuine interest to students of the former subject.—NORMAN L. HILL.

Volume III of *World Court Reports; A Collection of the Judgments, Orders, and Opinions of the Permanent Court of International Justice* (Carnegie Endowment for International Peace, pp. xvi, 549, $2.50), edited by Manley O. Hudson with the collaboration of Ruth E. Bacon, covers the activity of the Court in the years 1932–35. "As the entry into force of the amendments to the Statute of the Court on February 1, 1936, marks the beginning of a new period in the history of the Court, it has seemed desirable that the present volume should close with the year 1935." As in previous volumes, nothing has been spared to make this

introduction to the Court's documentation usable. There is a section containing instruments and information relating to the Court; the texts of the applications of the governments are reproduced with those of the Court's jurisprudence; an editor's note introduces with admirable precision the legal background of each case, with a bibliography; and convenient tables and lists of various sorts complete the work. It is hard to imagine how the Court's documentation could be made less forbidding and more accessible.—LLEWELLYN PFANKUCHEN.

Air Law in the Making (Martinus Nijhoff, pp. 36) contains infinite riches in a little room. The inaugural address of Dr. D. Goedhuis upon accepting a lectureship in air law at Leiden University in October, 1938, this is a very remarkable paper, dealing with present experience with international public and private law of the air in the light of a broad philosophy. "When it is considered that every state on the face of the earth is a border state in relation to the air ocean, it will be realized that the reasons which have led to freedom of passage being granted for other modes of transport have even greater validity in the case of air transport" (p. 26). The principle of exclusive state sovereignty in the air is accordingly deplored; a merger of the Pan-American and European systems of international regulation of aircraft is hoped for; and in private law, the freeing of carrier aircraft from too onerous liabilities to users and earthlings is urged. Amid the din of bombs, this essay may still be heard, a voice calm yet insistent in its affirmations.—LLEWELLYN PFANKUCHEN.

In his *Mandates: Reasons, Results, Remedies* (Methuen and Company, Ltd., pp. 213), Neil Macaulay grinds quite a number of axes in a forthright if somewhat discursive manner. The author is strongly opposed to giving back any colonies to Germany, because he thinks her unfit to govern subject peoples. He points out that Germany's former colonies would scarcely begin to solve her raw material and emigration problems. He further opposes the League of Nations, which he calls the "League of Hallucinations," and all other manifestations of "the woolly internationalism of our time." In several places the author's facts are of doubtful accuracy, to say the least; in others, they are in plain contradiction. The only chapters of any value at all are those describing recent economic and political developments in the mandated areas in Africa. The eight pages on Palestine and Syria are of grade-school caliber. All in all, the work has little to recommend it to serious people.—ROBERT GALE WOOLBERT.

The Balkan crisis of 1875–78, discussed in Mihailo D. Stojanović's *The Great Powers and the Balkans, 1875–1878* (Cambridge University

Press, pp. x, 296), may be considered as a prelude to the World War of 1914. The main factors that determined the grouping of the Powers in 1914 were already in existence at that time. The present book, originally a doctoral thesis, makes use of material from the British, Austrian, and Serbian archives, the papers of Sir Henry Layard, and the archives of the Russian Embassy in London, and focuses on the diplomatic aspects of the game. No attempt has been made to evaluate the social forces involved and, what is even more surprising, the problem of the Balkan minorities, which has always been basic in all Balkan diplomacy, has been dismissed with a few sentences (p. 280). The result is a confusing picture of a confused period.—J. S. ROUCEK.

In *From East to West; A Traveller's Reflections on Politics and Peoples* (privately printed, Norman, Oklahoma, pp. 145), Mr. Fritz Ermarth sets out to explore the world in its entirety, describe the turmoil which he finds existing everywhere, analyze the problems which confront the various nations and peoples today, and, in addition, to present a solution. Soviet Russia is the enemy which must be crushed, and according to Mr. Ermarth, France, Britain, and the United States are indeed fortunate that Germany, Italy, and Japan are willing to fight the Bolsheviks. The book is not uninteresting, and the author seems to understand the clash of political, social, and economic forces characterizing the modern world. But his argument in favor of a kind of universal "Cliveden set" policy which will result in peace, prosperity, and an ordered world is not at all convincing.—B. W. MAXWELL.

The formation of independent Albania, her post-war politics, and the relation of the American Albanians to their native country is well described in Federal Writers' Project, *The Albanian Struggle in the Old World and New* (Boston: The Writer, Inc., pp. ix, 168), the most valuable parts of which have been secured from personal interviews with several Albanian leaders around Boston. Although the bibliographical references are incomplete (pp. 162–163), the work is a concrete, objective chronicle, filled with interesting facts and presented in an admirable spirit of impartiality.—J. S. ROUCEK.

POLITICAL THEORY AND MISCELLANEOUS

The subtitle of James Marshall's book, *Swords and Symbols; The Technique of Sovereignty* (Oxford University Press, pp. 168, $2.00), is somewhat misleading. The author uses the word "sovereignty" in its antiquated meaning, since he is not concerned with sovereignty in the formal legal sense but with political power as such. What he denominates "the technique of sovereignty" is nothing but the mechanics of the political

process. That is to say, he attempts to explain the interplay of political forces—primarily the struggle between those who are in power and those who are subjected to them—as well as the methods and the sinews of political power, such as force, law, custom, and propaganda. Not only the difficulty implicit in the nature of the subject, but also Mr. Marshall's confused thinking about it, is manifest in his treatment of sovereignty. It is never clear who or what the sovereign is. His criticism of the formal legal conception of sovereignty in the light of inferences drawn from an observation of facts is ineffectual, not only because of his failure to distinguish legal from political limitations, but also because the argument can be clinched only in the realm of methodology. Methodology, however, does not appear to be one of Mr. Marshall's strong points. There are a few obvious errors which cannot be passed over. Mr. Marshall misapprehends the rôle assigned to the dictatorship of the proletariat in the class struggle, and therefore his criticism of the communist myth of the "withering state" (p. 80) misses the mark. And to say, as he does, that "the Hegelian concept of the state is . . . also the ancestor of the communist state," is, of course, patently absurd, especially since he is not referring to Marx's indebtedness to Hegel in the matter of the dialectic. The contention of the author that equality and not representative government is the essence of democracy is refuted by the meaning of the word democracy itself. Mr. Marshall writes with admirable detachment and a refreshing skepticism. But aside from the wealth of historical illustration and quotations, which gives the impression of a miscellaneous erudition, the book is decidedly amateurish. There is little evidence of rigorous and systematic thinking, and even less exactness in the use of terms. Sometimes words are actually misused, as in the phrase "the dialectics of power." One might overlook some of this had the author offered a new and significant explanation of the ever-perplexing problem of political power. But that is not the case; much of what he has to say is commonplace.—HENRY JANZEN.

We have been in need lately of a re-evaluation of Puritanism, and by one who has sufficient sympathy with it to be able to state its case faithfully. We are very much in debt to Mr. M. M. Knappen for his admirable study, *Tudor Puritanism* (University of Chicago Press, pp. ix, 555, $4.00), which goes a long way toward meeting this need. Mr. Knappen finds that Puritanism divides itself naturally into two periods: early or Tudor Puritanism, and the Puritanism of the seventeenth century. Tudor Puritanism, with which he is concerned, stood, he says, for the doctrine of passive resistance and for a state church; it also championed the ideal of internationalism as against nationalism and tried to preserve the unity and the political power of the intelligentsia. In contrast, the Puritanism

of the seventeenth century was, for all practical purposes, sectarian, largely dependent on lay support, and rarely more than national in its outlook. The first part of Mr. Knappen's book deals with the historical development of Tudor Puritanism, and shows most interestingly how men, ideas, and events interact to bring about the progress of a faith. The second part deals with the intellectual, social, and cultural aspects of early Puritanism. By showing throughout his work the importance of the moral and spiritual side of Puritanism, which was its characteristic side and its great side, the author helps to correct the over-emphasis that has in recent years been given to the economic interpretation of Puritanism. He points out also that Puritanism was not a parent of intellectual liberalism, although it was more favorable to it than any other religious belief at the time. *Tudor Puritanism* is the product of extensive reading and thorough scholarship, and it is well written. We may, indeed, look forward to the publication by Mr. Knappen of a volume on Puritanism in the seventeenth century.—Benjamin E. Lippincott.

All too rare is the fusion of historical, economic, and legal learning. While it is a difficult undertaking for most scholars in this day of specialization, the appearance of Arthur Nussbaum's *Money in the Law* (Foundation Press, pp. xxxvii, 534, $7.50) shows that such a synthesis is far from impossible. Professor Nussbaum has accomplished a very difficult task in an efficient, scholarly, and readable manner. The history of the legal concepts involved in money transactions and the discussion of the various monetary systems are exceptionally well handled. But the development of the American monetary system calls for special comment; for in this section, Professor Nussbaum gives both a comprehensive and clear explanation of the legal development of the monetary structure of the United States. After devoting two chapters to the comparative development of the debt concept in relation to money, the author shows a decidedly mature grasp of the public policies and legal difficulties presented in the various "gold clause" decisions. While the reviewer is not competent to judge of the value of the last two chapters devoted to foreign exchange, it is assumed that the same high level of scholarship is maintained to the end of the volume. Professor Nussbaum has based his work, for the most part, upon primary sources. He has thoroughly and diligently exhausted court records, legislative acts, colonial documents, foreign source material, and international treaties. Only slight dependence upon secondary sources appears, and here evidence of a high level of discernment is clear and unmistakable. It is to be regretted that the price of the volume may restrict its sale to those who are specialists in the field, for many teachers in the general field of public law would find *Money in the Law* a valuable addition to their personal libraries. The Columbia Council

for Research in the Social Sciences, under whose auspices the volume was published, is to be congratulated upon sponsoring both Professor Nussbaum, formerly professor of law at the University of Berlin, and his volume.—ETHAN P. ALLEN.

William Montgomery McGovern's *Early Empires of Central Asia* (University of North Carolina Press, pp. xiii, 529, $4.00) is an excellent combination of careful scholarship with lucid and interesting exposition. The book meets a long felt need by assembling the mass of scattered and relatively inaccessible material from the classical authors, and especially from the Chinese Dynastic histories, relating to the Scythians, Sarmatians, Bactrians, Sogdians, Huns, Yüeh-chih, and other peoples of Mongolia and Chinese and Russian Turkistan from earliest times until about 550 A. D. The book begins with a chapter pointing out the significance of these peoples in world history, both as originators of important culture traits and as transmitters of cultural influences between East and West; and this broad historical approach is maintained throughout. Although the subject treated is a difficult one, and there may be controversial points on which various experts will not agree with Dr. McGovern, for the vast majority of students and scholars the book will undoubtedly remain a standard treatise for a long time to come.—EARL H. PRITCHARD.

In a substantial book called *Industrial Political Economy; The Fundamentals* (Pitman Publishing Corporation, pp. 454, $3.00), Edward Henry Hempel presents what may be described as a prolonged sophomoric rendition of amorphous historical materials tied together by a vague and uncertain antipathy to government intervention in the businessman's world. "Sophomoric" is a strong word in reviewing what essays to be an important study. Nevertheless, the material, running from "First Period: The Earliest Formation of Industrial Economic Principles" in Greece, Rome, and Holland through "Second Period: The Beginnings of Government Interference in Industry; Industrial Political Economy in France," "Third Period: Industrial Political New Deals Under Mercantilistic Rulers and Statesmen," to the "Fifth Period; Liberalistic Industrial Political Economy in Great Britain," is uncritically selected, indiscriminatingly organized, and amazingly inconclusive. When the author chooses to comment, he over-simplifies, straddles, and pontificates platitudes. And this is to say nothing of the vast amount of erroneous inference that might be drawn from such a hapless concatenation of roughly chronological comment and quotation. I am sorry, but I know of no really useful function that this book may perform.—HARVEY PINNEY.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES[1]

COMPILED BY LLEWELLYN PFANKUCHEN
University of Wisconsin

POLITICAL PHILOSOPHY AND PSYCHOLOGY

William M. Barr; Litt. B., Rutgers, 1928; A.M., Columbia, 1936. The Philosophy of Woodrow Wilson. *Columbia.*

Norman W. Beck; A.B., Chicago, 1923. Machiavelli as a Political Inventor. *Chicago.*

Aaron Bell; A.B., Chicago, 1937. Coup d'État. *Chicago.*

Walter Hartwell Bennett; A.B., Richmond, 1930; A.M., Duke, 1935. American Concepts of Federalism. *Duke.*

Dorothy Borg; A.M., Columbia, 1931. Outbreak of the World War; A Comparison of the Facts with the Newspaper Stories of the Outbreak of the War—1914. *Columbia.*

Frank. P. Bourgin; A.B., Minnesota, 1930; A.M., Claremont, 1932. National Planning in American Political Theory. *Chicago.*

Julia Helen Chen; A.B., Hwa Nan College, China, 1928; A.M., American, 1937. The History and the Divisions of the Chinese Press in the United States. *American.*

Mary Capen Davis; A.B., Radcliffe, 1934; A.M., *ibid.*, 1937. The German Concept of Democracy and the Weimar Republic. *Radcliffe.*

Mary Louise Degen; A.B., Goucher, 1935. The Pacifist Ideas and Activities of the American Branch of the Women's International League of Peace and Freedom. *Johns Hopkins.*

[1] Similar lists have been printed in the REVIEW as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933); XXVIII, 766 (1934); XXIX; 713 (1935); XXX, 811 (1936); XXXI, 772 (1937); XXXII, 796 (1938).

Items which appeared in the August, 1938, list are in general classified under the same headings in the present list, and new items have been assimilated to the 1938 classification as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. It is believed that each item is listed under one classification only.

The lists printed in the REVIEW are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review;* "List of Doctoral Dissertations in History Now in Progress at American Universities," Division of Historical Research, Carnegie Institution of Washington; and "Higher Degrees in Sociology," in the *American Journal of Sociology.* Usually one list is published each year. These are in addition to the "List of American Doctoral Dissertations Printed in 1936," the most recent of an annual series published by the Library of Congress.

Guy Howard Dodge; A.B., Western Reserve, 1933; A.M., Harvard, 1937. Political Theory of the Huguenots of the Dispersion, with Special Reference to Pierre Jurieu. *Harvard.*

Emmet E. Dorsey; A.B., Oberlin, 1927; A.M., Columbia, 1932. A Critique of Negro Political Leadership; A Series of Social Biographies. *Columbia.*

Kermit Eby; A.B., Manchester, 1927. The Attitude of Japan toward Internationalism. *Chicago.*

Harold L. Elstien; A.B., Syracuse, 1934. Democratic Tolerance of Anti-Democratic Organization. *Chicago.*

Heinz H. F. Eulau; A.B., California, 1936; A.M., *ibid.*, 1938. Liberal Thought in Germany, 1815–1848. *California.*

J. Eldon Fields; A.B., Kansas, 1934. Neo-Marxian Theories of War and Peace. *Stanford.*

Clifford E. Garwick; A.B., Ohio State, 1928; A.M., *ibid.*, 1929. Political Ideas of Thomas Jefferson. *Yale.*

Hilden Russell Gibson; A.B., Kansas, 1933. Socio-psychological Aspects of the Political Theory of Karl Marx. *Stanford.*

Martin Joseph Hillenbrand; A.B., University of Dayton, 1937; A.M., Columbia, 1938. An Analysis of the Concept of Obligation. *Columbia.*

Norman H. Hinton; A.B., California (L. A.), 1933; A.M., Columbia, 1934. American Political Scientists: Francis Lieber. *Columbia.*

Robert D. Howard; A.B., Harvard, 1924; A.M, *ibid.*, 1928. Theories of Conservatism and of Constitutional Democracy in State Constitutional Conventions. *Harvard.*

William Isaacs; B.S. in S.S., College of the City of New York, 1925; A.M., Columbia, 1932; J.D., New York, 1928; J.S.D., New York, 1929. Contemporary Marxian Political Movements in America. *New York University.*

Paul Kelso; A.B., in Ed., Ball State Teachers' College, 1933; A.M., Wisconsin, 1938. Factors Affecting Public Opinion on Government in Selected Ohio Cities. *Ohio State.*

Edgar Kemler; A.B., Johns Hopkins, 1936. The Deflation of American Ideals: A Study of the Response of Traditional Progressivism to the Conditions of the Fascist Era. *Harvard.*

Willmoore Kendall; A.B., Oklahoma, 1927; A.M., Northwestern, 1928; A.B. (Oxon). The Principle of Majority Rule. *Illinois.*

Eugene E. Koch; A.B., Pittsburgh, 1932; A.M., *ibid.*, 1935. Political Philosophy of John Selden. *Pittsburgh.*

David M. Levitan; B.S., Northwestern, 1936; A.M., *ibid.*, 1937. The Post-Utilitarian Victorian Political Thought; An Intensive Study of Political Theorists. *Chicago.*

Leona S. Lewis; B.S., Ohio State, 1920; A.M., *ibid.*, 1923. Teaching Materials for Junior High School Civics. *Ohio State.*

Edward H. Litchfield; A.B., Michigan, 1936. Economic and Ethnic Motivations to Political Behavior in Detroit from 1930 to 1938. *Michigan.*

Jerome Machlin; B.S.S., College of the City of New York, 1935. A Study in Protest Politics. *Syracuse.*

John R. Mashek; A.B., Minnesota; 1925, A.M., Columbia 1933. Improving the Electorate. *Minnesota.*

Milton R. Merrill; B.S., Utah State College, 1925; A.M., Columbia, 1932. The Public Career of Reed Smoot. *Columbia.*

John E. Nordskog; A.B., Drake; A.M., Columbia; Graduate Studies at London

School of Economics and Political Science. Democracy as an Ideology. *Southern California.*

Andrew E. Nuquist; A.B., Doane, 1927; A.M., Wisconsin, 1936. Modern Chinese Legal Codes as Result and Causation in Chinese Political Thought. *Wisconsin.*

Charles P. O'Donnell; A.B., De Paul, 1926; A.M. Harvard, 1935. The Political Theory of Jacques Maritain. *Harvard.*

Louis T. Olom; A.B., Chicago, 1937. The Study of Political Leadership. *Chicago.*

George F. Rowe; A.B., Wisconsin, 1932; A.M., Chicago, 1937. Coöperation Among Farmer-Labor-Progressive Groups in the United States. *Chicago.*

James H. Sheldon; A.B., Marietta, 1927; A.M., Harvard, 1928. Factors Involved in Determining Public Attitudes Toward International Policies. *Harvard.*

Tarsini Prasad Sinha; A.M., Michigan, 1934. The Political Techniques of Gandhi. *Chicago.*

Bruce Lannes Smith; Ph.B., Chicago, 1933. A Socio-Political Study of the American Social Scientists. *Chicago.*

Robert L. Stern; A.B., New York State College for Teachers, 1935. Study of Predictions of Newspaper Columnists in the Newspapers of 1934. *Syracuse.*

Earl N. Stilson; A.B., Harvard, 1932. The Development of Nationalism in France. *Harvard.*

Audrey G. Townsend; A.B., Southwestern, 1932; A.M., Radcliffe, 1938. The Fabian Socialists as Political Liberals. *Radcliffe.*

Stuart H. Van Dyke; A.B., Indiana, 1935. Techniques of Censorship. *Syracuse.*

John Higgins Williams; A.B., Washington and Lee, 1924; A.M., *ibid.*, 1928. The Rise and Decline of the Compact Theory in the United States. *North Carolina.*

GOVERNMENT AND POLITICS OF THE UNITED STATES AND ITS DEPENDENCIES

Wesley Adams; A.B., Northwestern, 1935; A.M., *ibid.*, 1936. Some Phases of American Neutrality Legislation. *Northwestern.*

Spencer D. Albright, Jr.; A.B., Arkansas, 1922; A.M., Chicago, 1932. Ballot Analysis and Ballot Changes Since 1930. *Texas.*

James Johnston Anderson; A.B., Cornell, 1934; M.B.A., Harvard, 1936. The President's Supreme Court Proposal—A Study in Presidential Leadership and Public Opinion. *Cornell.*

Robert D. Baum; A.B., Williams, 1934; A.M., Columbia, 1935. Federal Aspects of National Power Policy. *Columbia.*

Hillman M. Bishop; A.B., Columbia, 1926. Rhode Island and the Federal Constitution. *Columbia.*

Eleanor Bontecou; A.B., Bryn Mawr., 1913; J.D., New York University, 1917. The Rule-Making Power and Federal Legislation. *Radcliffe.*

Helen R. Brooks; A.B., Radcliffe, 1934; Ed.M., Harvard, 1936. The Apportionment Rule of the United States Civil Service. *Radcliffe.*

Philip I. Booth; A.B., Arizona, 1930. Criminal Syndicalism Legislation in the United States. *Chicago.*

Lynton K. Caldwell; Ph.B., Chicago, 1934; A.M., Harvard, 1938. Josiah Quincy: Public Servant. *Chicago.*

Persia Campbell; A.M., Sydney, 1921; M.Sc. (Econ.), London, 1923. Consumer Representation in the New Deal. *Columbia.*

Asher N. Christensen; A.B., Minnesota, 1924. A Study of the Legislative Settlement of Contested Election Cases. *Minnesota.*

John Aubrey Davis; A.B., Williams, 1933; A.M., Wisconsin, 1934. The Negro in Politics in New York. *Columbia.*

George R. Dulebohn; A.B., Gettysburg, 1921; A.M., *ibid.*, 1933; A.M. Pennsylvania, 1930. The Foreign Policies of Grover Cleveland. *Pennsylvania.*

Paul S. Dull; A.B., Washington, 1935. An Analysis of the Far Eastern Policies of the United States from 1929 to the Present. *Washington* (Seattle).

Robert L. Fisher; A.B., Stanford, 1931; A.M., *ibid.*, 1933. The Administration of Minor Parties in the United States. *Columbia.*

Oliver Garceau; A.B., Harvard, 1933; A.B.A., *ibid.*, 1935. The Medical Profession in American Politics. *Harvard.*

Grace Givin; A.B., Kansas, 1914; B.S., *ibid.*, 1916; A.M., Chicago, 1919. Louise De Koven Bowen: Mother of a City. *Chicago.*

Hilton P. Goss; A.B., Harvard, 1926. The Presidential Campaign of 1912. *California.*

Wayne Clayton Grover; A.B., Utah, 1935; A.M., American, 1937. Some Aspects of the Civil Governance of American Military Forces, with Special Reference to the Army. *American.*

Rufus G. Hall, Jr.; A.B., Texas, 1933; A.M., *ibid.*, 1935. American Imperialism in the Caribbean During the Taft-Knox Administration. *Harvard.*

Earl T. Hanson; Ed.B., Southern Illinois State Teachers' College, 1933; A.M., Illinois, 1937. Special Groups in Congress. *Illinois.*

Kenneth W. Hechler; A.B., Swarthmore, 1935; A.M., Columbia, 1936. Congressional Insurgency. *Columbia.*

Wiley Edward Hodges; B.S., Roanoke, 1926; A.M., Duke, 1930. The Trend of *Laissez-Faire* in North Carolina and Virginia from the Colonial Period to 1832. *Duke.*

Robert A. Horn; A.B., Ohio Wesleyan. The Study and Procedure of Congressional Committees. *Princeton.*

Jerry Housel; A.B., Wyoming, 1936; LL.B., *ibid.*, 1936. The Senate Foreign Relations Committee. *American.*

Laulette L. Irvin; A.B., Goucher, 1935; A.M., Columbia, 1935. Political Education by Women's Organizations in the United States. *Chicago.*

Gerald I. Jordan; A.B., Marshall, 1936. Politics and the Supreme Court, 1860–1880. *U.C.L.A.*

William McAleer; A.B., Buffalo, 1936. America's Interests in its Unconditional Most-Favored-Nation Policy. *Clark.*

Virginia Manca; A.B., California (L.A.), 1931. Congressional Procedure on Authorizations and Appropriations in Relation to the National Budget. *Washington* (Seattle).

Edwin M. Martin; A.B., Northwestern, 1929. Influence of Organized Economic Groups on Federal Tax and Tariff Legislation from 1921 to 1933. *Northwestern.*

Willard C. Matthias; A.B., Iowa, 1936; A.M., Minnesota, 1938. The Formation of Labor Policy under the New Deal. *Harvard.*

Frederick Max; A.B., Delaware, 1933. Some Economic Aspects of American Neutrality Legislation. *American.*

H. G. Mellman; A.B., Washington, 1935; A.M., *ibid.*, 1936. The American Policy of Intervention in the Twentieth Century. *Illinois.*

Roland E. Miller; A.B., Washington, 1931; A.M., *ibid.*, 1933. Party Responsibility in Foreign Relations in the United States. *Washington* (St. Louis).

Walden Moore; A.B., Harvard, 1922. The American Navy Bill of 1916. *Columbia.*

Donald H. Morrison; A.B., West Virginia, 1936. Local Self-Government in New Jersey. *Princeton.*

Edward Samuel Overman; B.S., Virginia, 1936. A Comparative Study of County

Government in Albemarle, Henrico, and Arlington Counties, Virginia. *Virginia.*

Wallace J. Parks; A.B., Williams, 1932; LL.B., George Washington, 1937. Federal Import Control. *Columbia.*

A. Edward Patmos; A.B., New York University, 1935; A.M., *ibid.*, 1936. Some Recent Attempts of Non-Political Organizations to Influence Federal Legislation. *New York University.*

W. D. Polk; A.B., Vanderbilt, 1933; A.M., *ibid.*, 1934. International Obligations Contracted by the United States without Reference to the Senate. *New York University.*

Margaret J. Schmidt; Ph.B., Chicago, 1932. Kansas: A Study of Prairie Politics. *Chicago.*

Harold Seidman; A.B., Brown, 1934; A.M., *ibid.*, 1935. A Study of the Commission of Investigation, New York City. *Yale.*

Dorothy A. Shields; A.B., Goucher; 1931; A.M., Pittsburgh, 1933. Third Party Recognition. *Pittsburgh.*

John S. Sills; Ph.B., Wesleyan, 1925; A.M., Columbia, 1932. Political Aspects of the Consumer Coöperative Movement. *Ohio State.*

Liba Harold Studley; B.S., College of the City of New York, 1921; LL.B., Fordham, 1925; A.M., Columbia, 1929. Progress of Aviation Legislation in the United States. *Columbia.*

August-Raynold Werner; LL.B., University of Geneva; LL.D., *ibid.* American Neutrality. *Indiana.*

Albert C. F. Westphal; A.B., Columbia, 1929. The House of Representatives and American Foreign Policy. *Columbia.*

CONSTITUTIONAL AND ADMINISTRATIVE LAW IN THE UNITED STATES

William Beard; B.S., Massachusetts Institute of Technology, 1928; A.M., California (L.A.), 1938. Federal and State Regulation of Pipe Lines as Common Carriers. *Columbia.*

Otis Franklin Brubaker; A.B., Kansas, 1935. Recent Federal Labor Regulation. *Stanford.*

John Sitlington Guy Carson; A.B., Hampden-Sidney, 1923; A.M., Virginia, 1931. The Constitutional Doctrines of Charles Evans Hughes. *Virginia.*

George O. Comfort; A.B., Western State Teachers' College (Michigan), 1932; A.M., Michigan, 1934; The Doctrine of Immunity from Intergovernmental Taxation. *Kentucky.*

Willard B. Cowles; A.B., Columbia, 1928. Constitutional Law and Treaties: Property Interference and Due Process of Law. *Columbia.*

Turner C. Cameron, Jr.; A.B., Alabama, 1936; A.M., Louisiana State, 1937. Commentators on the Constitution of the United States. *Princeton.*

Harry Lee Cummings; A.B., Arkansas State Teachers' College, 1927; A.M., Iowa, 1930. The Constitutional Doctrines of Mr. Justice Brandeis. *Iowa.*

Richard H. Ernst; A.B., Minnesota, 1933; A.M., Princeton, 1935; LL.B. Yale, 1938. The Administrative Adjudicative Technique as Used by the National Labor Relations Board. *Princeton.*

Delavan P. Evans; A.B., Occidental, 1933. The Use of the Concept of Inherent Powers by the Supreme Court of the United States. *California.*

Edmund Cody Gass; A.B., Carson-Newman, 1927; A.M., Tennessee, 1931. The Eleventh Amendment. *North Carolina.*

William L. Grossman; A.B., Harvard, 1927; A.M., *ibid.*, 1928; LL.B., *ibid.*, 1932. The Property Clause of the Federal Constitution. *Columbia.*

Georgia Hamilton; A.B., Barnard, 1926; A.M., Columbia, 1927; J.D., New York University, 1930. The Trends in Governmental Liability and the Liability of Public Officers in the United States since 1890. *Chicago.*

Claude E. Hawley; A.B., Chicago, 1935. The Illinois Commerce Commission; A Study in Administrative Regulation. *Chicago.*

Chester Ferrel Heady, Jr.; A.B., Washington, 1937; A.M., *ibid.*, 1938. The Supreme Court as Arbiter of Disputes between States. *Washington* (St. Louis).

Harry William Johnstone; A.B., Washington, 1935. Judicial Unenforceability of the Written Constitution. *Washington* (Seattle).

William L. LaRue; A.B., Northwestern, 1933. Patents and Copyrights in American Public Law. *Princeton.*

James M. Leath; A.B., Austin College, 1931; A.M., Southern Methodist, 1932. Delegated Legislation in North Carolina. *Duke.*

Arnaud B. Leavelle, Jr.; A.B., California (L.A.), 1937; A.M., *ibid.*, 1939. The Constitutional Theory of James Wilson. *U.C.L.A.*

Aaron Lewittes; B.S.S., College of the City of New York, 1932; LL.B., Columbia, 1935. Judicial Review and the Problem of an Independent Administrative System. *Columbia.*

Rebecca Matthews McBride; A.B., Maine, 1930; A.M., American, 1932. Influence of the Supreme Court on State Legislation. *American.*

Vera McLaren; A.B., Southern California, 1924; A.M., Northwestern, 1929. The Doctrine of Public Interest. *Northwestern.*

James J. Robbins; California (L.A.), 1926; A.M., Harvard, 1927. The Corporate Privilege in American Constitutional Law. *Princeton.*

Leon Sachs; LL.B., Maryland, 1931. *Stare Decisis* and the United States Supreme Court. *Johns Hopkins.*

J. Benson Saks; A.B., Johns Hopkins, 1935. The Rôle of the Constitution in the Twentieth Century as Seen by Mr. Justice Sutherland. *Johns Hopkins.*

John A. Schroth; A.B., Princeton, 1932; A.M., *ibid.*, 1934. Dual Federalism in American Constitutional Law. *Princeton.*

James Emmett Sebree; A.B., Oberlin, 1902; LL.B., Georgetown, 1925; LL.M., *ibid.*, 1926; D.C.L., National, 1927. The Power of the Federal Government and States to Tax Agencies and Instrumentalities of Each Other. *Johns Hopkins.*

Theodore H. Skinner; A.B., Hamilton, 1919; A.M., Columbia, 1929. The Relation of Administrative Discretion in the United States to Constitutional Rights. *New York University.*

William Torpey; A.B., New York State College for Teachers, 1934; A.M., *ibid.*, 1935. Judicial Doctrines of Religious Liberty in the United States. *Syracuse.*

Benjamin Rollins Twiss; A.B., Dartmouth, 1934. Lawyers Against Government; Their Assertion and Defense of *Laissez-Faire* as a Constitutional Doctrine. *Princeton.*

George H. Watson; A.B., Miami, 1936; A.M., Illinois, 1937. The Concept of the Legislative Court. *Chicago.*

Harry O. Wilson; A.B., Harvard, 1931; A.M., *ibid.*, 1932. The Trial Examiner in the National Labor Relations Board; A Study of Quasi-Judicial Development in an Administrative Body. *Northwestern.*

AMERICAN STATE AND LOCAL GOVERNMENT AND POLITICS

John F. Allums; B.S., Mississippi State Teachers, 1933; A.M., Iowa, 1937. Newspaper Contributions to Intelligent Citizenship: A Study of Press Reports on the Government of Atlanta, Georgia. *Iowa.*

Lawrence L. Barber, Jr.; A.B., Harvard, 1937. Local Government in New England. *Harvard.*

Erwin W. Bard; Ph.B., Yale, 1925; A.M., Columbia, 1929. The Port of New York Authority. *Columbia.*

F. J. Barnes, II; A.B., William and Mary, 1927; A.M., *ibid.*, 1927. The City in Virginia. *North Carolina.*

Walter Thompson Bogart; A.B., California (L.A.), 1930; A.M., Stanford, 1931. Jurisdictions, Functions, and Geography of Government in Los Angeles County. *Stanford.*

R. Jean Brownlee; A.B., Pennsylvania, 1934; A.M., *ibid.*, 1936. Taxation of Business Corporations by the State of Pennsylvania. *Pennsylvania.*

Oscar Buckvar; B.S., College of the City of New York, 1923; A.M., Columbia, 1925. Pressure Groups before the New York Board of Estimate and Apportionment. *Columbia.*

Richard L. Canuteson; A.B., Wisconsin, 1925; A.M., *ibid.*, 1930. Railroad Issues in the LaFollette Gubernatorial Campaigns. *Wisconsin.*

Frederick William Dumschott; A.B., Washington College, 1927; A.M., Virginia, 1931. State Administrative Control of Cities in Maryland. *American.*

Lavinia M. Engle; A.B., Antioch, 1912. County Government in Maryland. *Johns Hopkins.*

Emery Fast; A.B., Colorado, 1927; A.M., *ibid.*, 1929. A History of the California Criminal Syndicalism Law. *Stanford.*

Mona Fletcher; B.S. in Ed., Kent State University, 1921; A.M. Chicago, 1924. Bicameralism in Ohio. *Ohio State.*

Sonya Forthal; A.B., Wisconsin, 1922; A.M., *ibid.*, 1923. Six Hundred Precinct Captains in the Chicago Party System, 1926–1928. *American.*

Louis S. Fuerst; A.B., Tulane, 1916; A.M., Columbia, 1925. Uniform Laws. *Columbia.*

Ronald E. Gregg; A.B., Allegheny, 1933; A.M., Pennsylvania State, 1935. Local Government Debts in Pennsylvania—Major Problems and Solutions. *Pennsylvania.*

Wilbert L. Hindman; A.B., Michigan, 1923; A.M., *ibid.*, 1934. The New York State Constitutional Convention of 1938. *Michigan.*

Barrett Hollister; A.B., Antioch, 1936. Governmental Regulation of the Milk Industry in New York. *Syracuse.*

Clyde Kelchner; A.B., Dickinson, 1919; A.M., *ibid.*, 1921. Constitutional History of Pennsylvania, with Special Reference to Taxation. *Cornell.*

Orville M. Knutsen; A.B., California, 1931. Special Assessments in the Urban Areas of California. *California.*

William Bolland Maddox; A.B., Ohio Wesleyan, 1923; A.M., Cincinnati, 1924. Municipal Home Rule in Ohio. *Michigan.*

Albert B. Martin; A.B., Muskingum, 1928; A.M., Pittsburgh, 1938. Financial Powers and Administration in Allegheny County. *Pittsburgh.*

Charles E. Martz; A.B., 1915; A.M., 1927. Ohio Politics from 1876 to 1900. *Harvard.*

Russell McInness; Ph.B., Brown, 1922; LL.B., New York Law School, 1925; A.M., Columbia, 1929. Executive Leadership in Legislation in New York State. *Columbia.*

Molly Milman; A.B., Hunter, 1935; A.M., Columbia, 1938. The Fusion Movement in New York City. *Columbia.*

David G. Monroe; B.S., Baldwin and Wallace, 1930. The Police Problem of the Chicago Metropolitan Area. *Northwestern.*

William F. Nowlin; A.B., Howard, 1919; A.M., Ohio State, 1930. Legislative Investigating Committees in Ohio, 1919–1934. *Ohio State.*

Glenn W. Rainey; A.B. Emory, 1928; A.M., *ibid.*, 1929. The Negro in Georgia Politics since Reconstruction. *Northwestern.*

Geddes William Rutherford; A.B., Missouri, 1913; A.M., Harvard, 1916. Metropolitan Problems of the District of Columbia. *American.*

Albert B. Saye; A.B., Georgia, 1934; A.M., *ibid.*, 1935. Constitutional Development in Georgia to 1860. *Harvard.*

Florence Spencer; A.B., Texas, 1927; A.M., *ibid.*, 1930. Party Nominations in Texas. *Texas.*

Ceph Leroy Stephens; B.S., Ohio State, 1929; A.M., *ibid.*, 1933. Licensing as a Method of State Control. *Ohio State.*

Israel Stiefel; A.B., Pennsylvania, 1925; LL.B., *ibid.*, 1928; A.M., *ibid.*, 1932. Corporate Taxation in Pennsylvania as a Factor in Industrial Migratory Trends. *Pennsylvania.*

Harvey R. Teel; B.Ed., Southern Illinois Normal University, 1932; A.M., Illinois, 1933. County Boards in Illinois. *Illinois.*

John Robert Verby; B.S.Ed., Northeast Missouri State Teachers' College, 1928; A.M., Missouri, 1932. Legislative History of the Administrative County Offices in Missouri. *Washington* (St. Louis).

Jay Westcott; A.B., Michigan State Normal School, 1932; A.M., Harvard, 1938. Purchasing for State Institutions. *Harvard.*

Cyrus C. Young, Jr., A.B., Johns Hopkins, 1933. The Administration of Unemployment Compensation in Maryland. *Johns Hopkins.*

Robert Martin Young; A.B., Washington, 1930; A.M., *ibid.*, 1932. The Office of Governor in Missouri. *Washington* (St. Louis).

Frederick L. Zimmerman; A.B., Columbia, 1928; A.M., *ibid.*, 1929. The Council of State Governments. *Columbia.*

PUBLIC ADMINISTRATION IN THE UNITED STATES

Robert W. Anderson; A.B., Cornell, 1935; A.M., *ibid.*, 1938. Intergovernmental Relations in Federal Relief Administration. *Princeton.*

Francis Elton Atwater; A.B., Rochester, 1934; A.M., American, 1936. Embargoes—A Problem in Administration. *American.*

Jesse H. Bankston; A.B., Louisiana State, 1933; A.M., *ibid.*, 1936. The Administration of the Fair Labor Standards Act.

Dana Mills Barbour; A.B., Washington, 1929; A.M., *ibid.*, 1930. The Recent Growth of the President's Administrative Power through Financial Control. *Stanford.*

Russell William Barthell; A.B., Washington, 1930; A.M., *ibid.*, 1931. Recruiting Government Personnel. *Chicago.*

Kenneth Charles Beede; A.B., George Washington, 1927; M.B.A., Harvard, 1929. Aspects of the Rôle of the Federal Government in Housing. *American.*

William James Bruce; A.B., Oregon, 1931; A.M., *ibid.*, 1936. Some Problems in the Administration of the Hoover Dam. *Stanford.*

Ralph J. Burton; A.B., Syracuse, 1932. Public Utilities in the Chicago Area. *Chicago.*

Howard A. Calkins; A.B., Ohio Wesleyan, 1927; A.M., Wisconsin, 1928. A Survey of Personnel Practices in Selected Texas Administrative Agencies. *Wisconsin.*

Dale D. Clark; A.B., Utah, 1935; A.M., Columbia, 1937. Techniques of Farmer Consultation in the Agricultural Adjustment Administration. *Columbia.*

William Joseph Collins; A.B., St. Ambrose, 1925; A.M., Catholic University (Washington, D.C.), 1929. The Administration of Old Age Assistance in Iowa. *Iowa.*

R. Weldon Cooper; A.B., Abilene Christian College, 1926; A.M., Texas, 1932. Municipal Police Administration, with Special Reference to Texas. *Chicago.*

Lawrence Cramer; A.B., Wisconsin, 1923; A.M., Columbia, 1926. The Virgin Islands as a Problem in Colonial Administration. *Columbia.*

Charles J. DeWitt; A.B., Bluffton, 1931; A.M., Syracuse, 1933. Some Aspects of Official Censorship of the Theater in the United States. *Syracuse.*

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